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Understanding Moral Obligation

Kant, Hegel, Kierkegaard

Robert Stern

CAMBRIDGE

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ROBERT STERN

University of Sheffield



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UNDERSTANDING MORAL OBLIGATION

In many histories of modern ethics, Kant is supposed to have ushered in an anti-realist or constructivist turn by holding that unless we ourselves 'author' or lay down moral norms and values for ourselves, our autonomy as agents will be threatened. In this book, Robert Stern challenges the cogency of this 'argument from autonomy', and claims that Kant never subscribed to it. Rather, it is not value realism but the apparent *obligatoriness* of morality that really poses a challenge to our autonomy: how can this be accounted for without taking away our freedom? The debate the book focuses on therefore concerns whether this obligatoriness should be located in ourselves (Kant), in others (Hegel) or in God (Kierkegaard). Stern traces the historical dialectic that drove the development of these respective theories, and clearly and sympathetically considers their merits and disadvantages; he concludes by arguing that the choice between them remains open.

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Ode to Duty

William Wordsworth

Stern Daughter of the Voice of God!
O Duty! if that name thou love,
Who art a Light to guide, a Rod
To check the erring, and reprove;
Thou, who art victory and law
When empty terrors overawe;
From vain temptations dost set free;
And calm'st the weary strife of frail humanity!

Kind Of An Ode To Duty

Ogden Nash

O Duty,
Why hast thou not the visage of a sweetie or a cutie?
Why displayest thou the countenance of the kind of conscientious organizing spinster
That the minute you see her you are aginster?
Why glitter thy spectacles so ominously?
Why art thou clad so abominously?
Why are thou so different from Venus
And why do thou and I have so few interests mutually
in common between us?
Why art thou fifty per cent martyr
And fifty-one per cent Tartar?

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Burgess, published by Andre Deutsch (Methuen, 1st edition 1985), originally appearing in the publication in 1938, by Little, Brown & Company. I am also grateful to be able to reproduce a fragment of William Wordsworth's 'Ode to Duty', from *The Complete Poetical Works of William Wordsworth*, edited by Henry Reed (Philadelphia: James Kay, 1837).

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REFERENCES AND ABBREVIATIONS

In general, I have used the author–date system of referencing. However, in the case of frequently cited authors – Aristotle, Hegel, Kant, Kierkegaard, and Schiller – I have used a system of abbreviations (see below), where details of the works are given in the Bibliography. Also, for pre-Kantian texts where there is no standard edition or translation to refer to, as well as giving page numbers, I have included information on where in the work the reference occurs (e.g. chapter or section numbers), where the work is structured in such a way as to make this helpful. The hope is that this will enable readers with different editions to find the reference reasonably easily.

Works by Aristotle

References are given using the standard ‘Bekker numbers’, and to the book, section, and page numbers in the following translations:

- EE* *Eudemian Ethics*, translated by J. Solomon, in Aristotle 1984: II, 1922–81
NE *Nicomachean Ethics*, translated by W. D. Ross, revised by J. O. Urmson, in Aristotle 1984: II, 1729–1867

Works by Hegel

References are given first to the volume and page number of the *Theorie Werkausgabe* edition of Hegel’s works (Hegel 1969–71), except in the case of some references to Hegel’s lectures on the history of philosophy, which are given to Hegel 1986 and Hegel 1989, and in the case of references to Hegel’s lectures on the philosophy of religion, which are given

to Hegel 1984. Where appropriate, references are also given to section numbers (where 'Z' indicates a reference to a 'Zusatz' or student note). References are then given to one of the following translations:

- DFS* 'The Difference Between Fichte's and Schelling's System of Philosophy', translated by H. S. Harris and Walter Cerf, in Hegel 1977a
- EL* *Logic: Part I of the Encyclopaedia of the Philosophical Sciences*, translated by T. F. Geraets, W. A. Suchting, and H. S. Harris, in Hegel 1991b
- EN* *Philosophy of Nature: Part II of the Encyclopaedia of the Philosophical Sciences*, translated by M. J. Petry, in Hegel 1970
- LA* *Aesthetics: Lectures on Fine Art*, translated by T. M. Knox, in Hegel 1975
- LHP* *Lectures on the History of Philosophy*, translated by E. S. Haldane and Frances H. Simson, in Hegel 1892–96
- LHP1* *Lectures on the History of Philosophy 1825–6, volume II: Greek Philosophy*, translated by Robert F. Brown and J. M. Stewart, in Hegel 2006
- LHP11* *Lectures on the History of Philosophy 1825–6, volume III: Medieval and Modern Philosophy*, translated by Robert F. Brown and J. M. Stewart, in Hegel 2009
- LPR11* *Lectures on the Philosophy of Religion, volume III: The Consummate Religion*, translated by R. F. Brown, Peter C. Hodgson, and J. M. Stewart, in Hegel 2007
- PR* *Elements of the Philosophy of Right*, translated by H. B. Nisbet, in Hegel 1991a
- PS* *Phenomenology of Spirit*, translated by A. V. Miller, in Hegel 1977b
- SC* 'The Spirit of Christianity and its Fate', translated by T. M. Knox, in Hegel 1948: 182–301
- SL* *Science of Logic*, translated by A. V. Miller, in Hegel 1969

Works by Kant

References are given first to the volume and page number of the Akademie edition of Kant's works (Kant 1900–), except for references to *CPR*, which are given to the pagination of the first (A) and second (B) editions in the standard manner. References are then given to one of the following translations:

- CF* *The Conflict of the Faculties*, translated by Mary J. Gregor and Robert Anchor, in Kant 1996b: 233–327
- CJ* *Critique of the Power of Judgment*, translated by Paul Guyer and Eric Matthews, in Kant 2000
- CPR* *Critique of Pure Reason*, translated by Paul Guyer and Allen Wood, in Kant 1998
- CPrR* *Critique of Practical Reason*, translated by Mary J. Gregor, in Kant 1996a: 133–272
- GMM* *Groundwork of the Metaphysics of Morals*, translated by Mary J. Gregor, in Kant 1996a: 37–108
- LE* *Lectures on Ethics*, translated by Peter Heath, in Kant 1997
- LR* *Lectures on the Philosophical Doctrine of Religion*, translated by Allen W. Wood, in Kant 1996b: 335–452
- MM* *The Metaphysics of Morals*, translated by Mary J. Gregor, in Kant 1996a: 353–604
- NM* ‘Notes on Moral Philosophy’, translated by Curtis Bowman, Paul Guyer and Frederick Rauscher, in Kant 2005: 405–78
- PE* ‘Inquiry Concerning the Distinctness of the Principles of Natural Theology and Morality’ [the ‘Prize Essay’], translated by David Walford, in Kant 2002a: 243–86
- Relig* *Religion within the Boundaries of Mere Reason*, translated by George di Giovanni, in Kant 1996b: 39–216
- TSP* ‘On a Recently Prominent Tone of Superiority in Philosophy’, translated by Henry Allison, in Kant 2002b: 429–45

Works by Kierkegaard

For Kierkegaard’s published writings, references are given first to the volume and page number of *Søren Kierkegaard’s Samlede Værker* (Kierkegaard 1901–06), and then to one of the following translations:

- CUP* *Concluding Unscientific Postscript to ‘Philosophical Fragments’*, translated by Howard V. Hong and Edna H. Hong, in Kierkegaard 1992
- EO* *Either/Or*, Part II, translated by Howard V. Hong and Edna H. Hong, in Kierkegaard 1987
- FT* *Fear and Trembling: A Dialectical Lyric*, translated by Sylvia Walsh, in Kierkegaard 2006
- PC* *Practice in Christianity*, translated by Howard V. Hong and Edna H. Hong, in Kierkegaard 1991

- SLW *Stages on Life's Way*, translated by Howard V. Hong and Edna H. Hong, in Kierkegaard 1988
- WL *Works of Love*, translated by Howard V. Hong and Edna H. Hong, in Kierkegaard 1995

For Kierkegaard's journals and papers, references are given first to the volume and page number of *Søren Kierkegaard's Papirer* (Kierkegaard 1909–78), and then to the following translation:

- JP *Søren Kierkegaard's Journals and Papers*, translated by Howard V. Hong and Edna H. Hong, in Kierkegaard 1999.

Works by Schiller

References are given first to the volume and page number of *Schiller's Werke: Nationalausgabe* (Schiller 1943–), and then to one of the following translations:

- AE *On the Aesthetic Education of Man in a Series of Letters*, translated by Elizabeth M. Wilkinson and L. A. Willoughby, in Schiller 1967
- GD *On Grace and Dignity*, translated by Jane V. Curran, in Schiller 2005
- KL 'Kallias or Concerning Beauty: Letters to Gottfried Körner', translated by Stefan Bird-Pollan, in Schiller 2003
- MUAM 'The Moral Utility of Aesthetic Manners', translated anonymously, in Schiller 2006: 94–100
- NLBF 'On the Necessary Limitations in the Use of Beautiful Forms', translated anonymously, in Schiller 2006: 168–84
- OS 'On the Sublime', translated anonymously, in Schiller 2006: 101–9

INTRODUCTION

My hope for this book is that it will shed light on the issues discussed at two levels: at the level of the history of ideas, in showing the role these issues have played in the thought of Kant, Hegel, and Kierkegaard, and their period more generally; and at the philosophical level, in helping us to understand these issues more clearly in a systematic way.

As regards the first, more historical, level, my aim is to offer an account of a central strand in the history of modern ethics from the mid eighteenth to mid nineteenth centuries, an account which differs from what I think has become the standard story. According to this story, a new turn in ethics is taken when Kant (in part foreshadowed by other figures such as Rousseau) introduces a radical notion of autonomy into ethical thinking, whereby autonomy is seen to require that all forms of moral realism are rejected; this 'argument from autonomy' (as I will call it) is then said to lead Kant to replace this realist conception with one whereby ethics is now grounded in the self-legislating moral subject. However, despite its appeal to the modern mind, this picture of self-legislation is seen to raise certain fundamental difficulties, particularly the threat of emptiness: if no prior set of moral values obtain, what is to guide the legislating subject, and to prevent the act of legislation from becoming groundless? It is this problem and related ones that are said on the standard story to constitute what is sometimes called the 'Kantian paradox', where this paradox is supposed to set the agenda for Kant's successors, such as Hegel and Kierkegaard.

More will be said about this standard story in Chapter 1, where I will also argue that it is mistaken. This will involve looking at the argument from autonomy itself in some detail. I will claim that this argument is harder to make plausible than it may seem, and that there is little

reason to think that Kant himself would have endorsed it in any radical form, given that his own position retains important elements of moral realism (or so I maintain). In fact, I will suggest, while clearly giving considerations of autonomy a central role within his ethics, that Kant saw these considerations in a much narrower way than his anti-realist and constructivist interpreters have assumed; for, it is only when it comes to accounting for the *obligatoriness* of certain actions, rather than their moral goodness or rightness, that the concern about autonomy really leads towards self-legislation for Kant, with the idea that otherwise the ground of this obligatoriness might be some external lawgiver or authority, as on certain sorts of divine command theory. It is this narrower concern, I will argue, that frames what I will call the ‘problem of moral obligation’ for Kant – namely, the problem of accounting for the imperativ or binding force of morality in a way that makes *this* compatible with our autonomy – rather than moral values as such, which on their own pose no such threat. In response to this problem, I argue, Kant offers what I call a ‘hybrid’ theory, which treats the obligatoriness of morality as a function of our limited moral nature and the fact that our non-moral desires need to be constrained by reason in order to do what is right in a self-legislative manner: for us, therefore, the right and the good appear to be necessitating, in contrast to a holy will, for whom morality does not take the form of commands.

My aim in the rest of the historical narrative is to follow out the development from Kant to Hegel to Kierkegaard once this problem of moral obligation is taken as our starting point, rather than the problems posed by the Kantian paradox which forms the starting point on the standard story, but which, on my picture of Kant’s position, is not the key issue for Kant or for his successors. So, instead of following the standard story which sees Hegel as being preoccupied with difficulties created by Kant’s own way of dealing with the Kantian paradox, I will claim that, instead, Hegel faced the difficulties created by Kant’s way of dealing with the problem of moral obligation: for this was seen by Hegel to rely on a dualistic view of the will and an alienating picture of our relation to morality, as requiring an element of constant struggle. I will therefore suggest that this dissatisfaction with Kant led Hegel to offer a different solution to the problem of moral obligation, by putting forward a ‘social command’ account, which treats duty as arising from the constraints imposed on us by others. For Kierkegaard, however, because Hegel’s solution to the problem of moral obligation was intended to avoid any Kantian tension between

duty and inclination, this meant that the social command account could not treat morality as asking too much of us as individuals; it thus threatened to render our moral lives too complacent by reducing the moral demand. Kierkegaard held that only by returning to something more like the divine command theory that Kant had rejected could this demand be restored to the right level, where it again makes sense to think of morality as presenting us with a challenge that we must struggle to fulfil. This return to a divine command theory, however, brings us back to face the argument from autonomy in the way I claim Kant understood it: namely, that any such divine command theory will introduce an insupportable element of heteronomy into ethics.

This, then, sets up a kind of dialectical ‘circle’ of positions, each with their respective advantages and disadvantages, and the aim of my discussion will be to explore these positions further, and show how they can be compared in more detail. The attraction of Kant’s position might be that it accounts for the puzzling obligatoriness of morality, while doing away with the need for any external lawgiver who has authority and power over us. However, the price of this Kantian account (as we shall see) is that it appears to rely on a dualistic picture of the human will torn between reason and desire, where acting morally requires a kind of battle with our non-moral inclinations. The attraction of Hegel’s position is that it does away with this dualism and sense of struggle, but the price is that to overcome this dualism it seems forced to reduce the level of the moral demand, and to make our moral requirements too easy to satisfy. And the attraction of the Kierkegaardian position is that this strenuousness is restored, but at the apparent price of introducing a divine command model, which in turn leads us back to Kantian concerns over autonomy.

The book therefore sets up a comparative study of these three thinkers, not as regards their ethical outlooks in their entirety, but as regards what I am focusing on in talking about the ‘problem of moral obligation’, namely ‘what gives moral obligations their binding or constraining character?’ – ourselves, others, or God? These thinkers of course have many other points of agreement and contestation, and the problem of moral obligation can doubtless be understood more broadly:¹ but these are the disagreements and the issue that will

¹ For example, it is often a focus of discussions of moral obligation that the reasons to act in accordance with them are said to be categorical, overriding, and universal; but while this may or may not be the case, as Darwall points out, there is arguably more to them than that, as the same is plausibly true of the reasons to follow other norms,

concern us here, namely how it is, as Pufendorf put it, that 'obligation places a kind of bridle on our liberty'.² While other features of such obligations will come up, it is this that will be the main issue, as it is this that most obviously raises the question of autonomy as it arises for the obligatoriness of the moral.

As well as offering a new perspective on this set of historical questions and relations, I hope also that my discussion will cast some light on the philosophical issues underlying them concerning autonomy, moral realism, moral obligation, divine command theories, and so on. For it is often by seeing new philosophical options that one can see the historical story differently, and vice versa. It will be argued that these issues lie at the heart of the problem of moral obligation, in a way that makes it so intractable: there are many competing pressures on a satisfactory solution, and the considerations that tell for and against each side run deep. The problem, therefore, is of more than merely historical interest, as the questions that it raises remain at the heart of current philosophical debate.

such as those of logic and scientific reasoning, where it is in having the force of a *demand* that such differences can be said to consist. See Darwall 2004: 110–11 and 2006: 13–14, 26–7, and 10: 'I argue that moral requirements are connected conceptually to an authority to demand compliance'.

² Pufendorf 1682: Book 1, Chapter 2, §3, p. 13/1991: 27. While it is probably unwise to place too much weight on etymology, it is perhaps notable that 'obligation' comes from '*ob* [to] + *ligare* [bind]'. See also Brandt 1964: 386 and 391, and Crisp 2006: 34.

PART I

KANT

KANT, MORAL REALISM, AND THE ARGUMENT FROM AUTONOMY

My aim in this chapter is to differentiate the account I want to give of Kant's ethics from what, in the Introduction, I called 'the standard story'. I will therefore begin by setting out that story, and the way in which it interprets Kant and then the history of modern ethics that comes after him. Crucial to my re-telling will be the question of whether or not Kant subscribed to the argument from autonomy as that is put forward today by various constructivists and anti-realists in Kant's name; my claim will be that he did not. I will then argue that as a result, therefore, we should recognise that the standard story has misidentified what Kant saw as the major issue, which was not to preserve our autonomy by finding an alternative to moral realism as an account of moral values, but to do so by finding an alternative to divine command theories as an account of *moral obligation*. The nature of this alternative account will then be considered in the next chapter.

The history of modern ethics: the standard story

I believe that very few would disagree with J. B. Schneewind's observation that '[t]he conception of morality as autonomy was Kant's fundamental innovation in moral philosophy'.¹ But more contentious is exactly what that conception of autonomy consisted in, and what it committed Kant to in ethics and meta-ethics. According to most contemporary readers of Kant, the answer is that it committed him to a form of *constructivism*, and thus to a form of anti-realism in meta-ethics; and it further committed Kant and his successors to working out the issues and problems posed by such a position. The reason this

¹ Schneewind 2002: 88/2010: 245.

is so, according to these interpreters, is that autonomy as Kant conceived it is incompatible with moral realism, so that Kant was obliged as a result to reject moral realism and to move towards constructivism. This connection is particularly prominent in the work of John Rawls: just as the position of 'Kantian constructivism' was one that was famously first identified as such by Rawls,² so the reading that treats Kant as committed to the argument from autonomy goes back to his work also, where his reading has then been extremely influential on others.³ To understand the standard story of the history of modern ethics, we must therefore look at this connection more closely, beginning with a consideration of constructivism.

The distinction between constructivism and realism is a complex one, and will be considered further in what follows, but a helpful preliminary characterisation of it is offered by Sharon Street:

[T]he key point at issue between realists and antirealists is the answer to the central question of Plato's *Euthyphro* (in roughly secular paraphrase), namely whether things are valuable ultimately because we value them (antirealism), or whether we value things ultimately because they possess a value independently of us (realism). In the final analysis, in other words, is normativity best understood as conferred or recognized?

Metaethical constructivism falls squarely on the antirealist side of this divide ... [M]etaethical constructivism asserts a counterfactual dependence of value on the attitudes of valuing creatures; it understands reason-giving status as conferred upon things by us. According

² Most notably in Rawls 1980.

³ A similar reading of the history of modern ethics which (as far as I know) is independent of Rawls's, but which lacks any comparable influence, can be found in Olafson 1967, especially pp. 38–47. Olafson both attributes the argument from autonomy to Kant, and sees him as adopting the constructivist's response to it: 'Freedom as autonomy means that the principle of our action must not itself be derived from any external source whatsoever, and that all action under principles that have such an external origin must be viewed as being under a special kind of constraint ... Instead of its being our duty to will what is good, the morally good is that which can be willed *in a certain way*; and it is the will itself that by willing establishes the duty to which it is then subject ... On this interpretation, the will is rational not by virtue of accepting and translating into action moral truth that the intellect apprehends, but by actualizing its own peculiar virtue of consistency. The novelty of this view resides in the fact that the rational or logical controls over the will have been introjected into the will itself, so that any maxim of conduct that the will can accept while remaining faithful to its essential nature becomes *ipso facto* morally right' (pp. 39–41). On the basis of this reading, Olafson sees Kant as the source of a 'philosophical voluntarist' tradition in ethics that leads to existentialism, in opposition to the earlier more realist 'intellectualist tradition'. See also Silber 1959.

to metaethical constructivism, there are no facts about what is valuable apart from facts about a certain point of view on the world and what is entailed from within that point of view.⁴

On this account, the recognitional view to which constructivism is opposed counts as realist because the activity of practical reason in telling us how to act is to be measured against a prior order of values, whereas the constructivist view counts as anti-realist because the order of dependence is reversed. A constructivist Kantian such as Christine Korsgaard therefore commits herself to this kind of reversal on Kant's behalf when she writes:

The point I want to emphasize here is that the Kantian approach frees us from assessing the rationality of a choice by means of the apparently ontological task of assessing the thing chosen: we do not need to identify especially rational ends. Instead, it is the reasoning that goes into the choice itself – the procedure of full justification – that determines the rationality of the choice and so certifies the goodness of the object. Thus the goodness of rationally chosen ends is a matter of the demands of practical reason rather than a matter of ontology.⁵

Or, as Rawls has put the point even more succinctly, on the constructivist view 'practical reason constructs for the will its own object out of itself and does not rely on a prior and antecedent order of values'.⁶

⁴ Street 2010: 370–1. See also Cullity and Gaut 1997: 4, and Hills 2008: 182–3.

⁵ Korsgaard 1983: 183/1996a: 261. See also Korsgaard 1996a: 407: 'Does Kant think, or should a Kantian think, that human beings simply have unconditional or intrinsic value, or is there a sense in which we must confer value even upon ourselves? ... I now hold [the latter view]'; and Korsgaard 1996c: 19: 'According to [realism], moral claims are normative if they are true, and true if there are intrinsically normative entities or facts which they correctly describe ... [By contrast] Kantians believe that the source of the normativity of moral claims must be found in the agent's own will, in particular in the fact that the laws of morality are the laws of the agent's own will and that its claims are ones that she is prepared to make on herself'; and Korsgaard 1998: xxiii: '[A]s rational beings we make the law, we legislate it. Suppose, for instance, I undertake a program of scientific research ... [M]y choice is an act of legislation: I lay it down, for myself and others, that this research is good, and shall be pursued. We may say that I *confer a value* upon scientific research, when I choose to pursue it'.

⁶ Rawls 2000: 230, also p. 241: 'The observation about constructivism concerns the relation of priority between the order of values and the conceptions implicit in our practical reason. By contrast with rational intuitionism, constructivism sees the substantive principles that express the order of moral values as constructed by a procedure the form and structure of which are taken from the conceptions and principles implicit in our practical reasoning'. Cf. Herman 1993: 215, who glosses Rawls's Kantian constructivism as offering a positive answer to the question: 'Can formal rational constraints be or constitute a conception of value?'.

Now there are a number of arguments that can be given in favour of constructivism and against realism. For example, it can be argued that constructivism is more consistent with naturalism; that it fits better with a motivational internalism; and that it provides a better answer to the sceptical question of why one should act morally. In response, realists can adopt various replies. For example, it can be argued that realism can be made consistent with naturalism when this is properly understood, or alternatively that naturalism is itself questionable; realists can provide their own accounts of moral motivation; and they can claim to be able to answer the question of moral scepticism, or that the question itself is ill-conceived and so does not require an answer.

As well as these considerations, however, constructivists have also offered the argument from autonomy in favour of their position, claiming that moral realism is a threat to our autonomy as agents, so that if the former were true, the latter would be undermined. By contrast, it is claimed that this problem does not plague the constructivist, in so far as on their account, the moral realm is not constituted by anything outside our will, which therefore remains autonomous.

Now, for those who read Kant as this kind of constructivist,⁷ it is the argument from autonomy that has been treated as the predominant motivation for his rejection of realism. It is easy to see why this should be seen as the decisive issue for Kant. His own commitment to transcendental idealism makes it unlikely that naturalistic considerations should play a major role, while it can be claimed that Kant did not take the threat of moral scepticism as seriously (or in the same way) as many modern philosophers.⁸ Equally, in so far as internalism that rejects realism often rests on Humean assumptions, which are ones that Kant himself did not share, it may also seem unlikely that this would be the basis for him to turn against the realist position.⁹

⁷ Not everyone who thinks of themselves as adopting a Kantian constructivism takes this to involve a stance on meta-ethical issues, and thus any implication either way regarding realism; and some have claimed that constructivism is 'neutral' or agnostic on meta-ethical questions, while others have taken it to be realist at some level but anti-realist at others. For a helpful taxonomy of such different approaches with further references, see Galvin forthcoming.

⁸ This is a complex issue, of course, that cannot be discussed fully here; but for some useful remarks on Kant's attitude to moral scepticism, see Timmermann 2007: 129–30. I consider the matter further in Stern 2010.

⁹ Cf. Darwall 1995: 331, who presents the issue of autonomy as the key issue in Kant's turn towards internalism.

The issue of autonomy, however, has a considerably greater *prima facie* claim to plausibility as what might have led Kant to become a constructivist. For, of course, Kant was much concerned with autonomy as a topic, so that it seems plausible to think that reflection on it would have drawn him away from realism, motivated by something like the argument from autonomy. In this way, it is claimed, Kant arrived at his distinctive doctrine of 'self-legislation', which is interpreted in constructivist terms, and based on the desire to preserve our freedom in the face of the threat posed to it by moral realism. Kant is thus said to relate autonomy to self-legislation in this way when he writes: 'Hence the will is not merely subject to the law but subject to it in such a way that it must be viewed as also giving the law to itself [*als selbstgesetzgebend*] and just because of this as first subject to the law (of which it can regard itself as its author [*Urheber*])'.¹⁰

This, indeed, is the way Rawls himself presents the situation:

Another and deeper meaning of autonomy [than 'doctrinal autonomy'] says that the order of moral and political values must be made, or itself constituted, by the principles and conceptions of practical reason. Let us refer to this as constitutive autonomy. In contrast with rational intuitionism, constitutive autonomy says that the so-called independent order of values does not constitute itself but is constituted by the activity, actual or ideal, of practical (human) reason itself. I believe this, or something like it, is Kant's view. His constructivism is deeper and goes to the very existence and constitution of the order of values. This is part of his transcendental idealism. The intuitionist's independently given order of values is part of the transcendental realism Kant takes his transcendental idealism to oppose.¹¹

¹⁰ *GMM* 4:431 (p. 81).

¹¹ Rawls 1993: 99–100. Cf. Neiman 1994: 33: 'Having declared that reason is in the world, Leibniz is stuck with the fact that reason is *in the world* – to be read off of, rather than put into, the objects of experience. Naturally, those objects are not the everyday ones to which empiricists appeal but the supersensible truths of an intelligible world. For Kant, however, the determination of reason by eternal truths is as fundamentally heteronomous as its determination by any other object'; and Lafont 2004: 28: '[Kantians] agree with the anti-realist that our normative judgments do not purport to describe a pre-given moral order, heteronomously imposed on us independently of our practical reason'. Although it cannot be discussed further here, somewhat similar issues arise in other areas of Kant's reception history, for example, in the contrast that is drawn between Kantian autonomy and the supposedly more heteronomous position of someone like Emmanuel Levinas, who speaks of the ethical demand as arising from our encounter with other people rather than being imposed on ourselves by reason: see e.g. Chaliel 2002: Chapter 4.

Thanks to Rawls's considerable influence, the understanding of Kant's position that he offers here has gone on to achieve a kind of orthodoxy, particularly amongst those who studied and worked with him, such as Schneewind, Korsgaard, Stephen Darwall, Andrews Reath, and others;¹² and this understanding, in turn, has shaped the way that the rest of Kant's ethical philosophy has been read, and the ethics of his major successors.¹³

For, as constructivist interpreters of Kant fully recognise, if Kant is read as a constructivist and committed to this conception of 'self-legislation', then he must be seen as having to deal with certain fundamental philosophical difficulties in articulating his position and rendering it coherent, difficulties that were then bequeathed to those

¹² See Schneewind 1986: 66: 'The defining feature of an autonomous agent, in Kant's view, is its ability to guide its own action by the choices of a will that is such that whatever it wills is good simply because it is willed by it ... The point is ... that when something is chosen or pursued by such a will, that very fact makes the object of the will good. An agent so guided is not led by anything outside himself'; and Schneewind 2002: 85/2010: 241: '[Kant] said that morality is a human creation. It is the legislation that comes from our own rational will'. Darwall 1997: 310: 'For a Kantian such as Korsgaard, the idea of an independent order of normative fact is inconsistent with *the autonomy of the will*. Practical reasoning is not a matter of orientating oneself properly in relation to some external source of value. Rather it is a *self-government* or autonomy – the agent determining herself in accord with principles she can prescribe for herself as one rational person among others'. Reath 2006: 164 note 17: 'A constructivist account of Kant's moral theory offers one way to spell out what it is for the "rational will" to have autonomy'. Rauscher 2002: 496: 'Kant's conception of autonomy precludes such a [realist] conception of morality. Human beings cannot be dependent upon anything distinct from their will for the moral law that binds them ... If the distinctive feature of Kant's moral theory is autonomy, and if autonomy requires the dependence of moral principles upon the human will, and if this dependence on the human will is idealist, then the distinctive feature of Kant's moral theory is its idealism. Kantians ought to embrace moral idealism as the distinctive feature of Kant's moral theory'. LeBar 2008: 185: 'Kant's primary motivation for constructivism, as I understand him, arises from his conviction that our *autonomy* as moral agents can be preserved only if we give to ourselves the laws governing our conduct'. Beiser 1992: 30–1: 'Although Kant was not fully aware of it, his Rousseauian ideas [of freedom] mark a profound break with the natural law tradition of Pufendorf and the Wolffian school ... Compared to this tradition, Kant's new ethics are revolutionary. The source of moral value is the rational will inside us, not the providential order outside us. Here lies the real depth and impact of Kant's Copernican revolution. This took place not only in epistemology but also in ethics. Just as the natural world depends on the laws of the understanding, so the moral world depends on the laws of the will ... [T]he human will creates moral values, so that it is obliged to obey only the laws of its own making'.

¹³ This Rawlsian view of Kant also shapes the way in which pre-Kantian moral philosophy has been read, as leading up to a Kantian model of autonomy as self-legislation: see, for example, Korsgaard 1996c: 1–6, and for a classic study Schneewind 1998.

who came after him. This set of difficulties that Kant is seen as having to face up to in this way is sometimes referred to as the Kantian paradox,¹⁴ which has several distinct aspects.

The first, and perhaps most obvious, might be called the problem of *emptiness*: if there is nothing prior to the act of legislation by the subject that is itself normative, how are any responsible or rational law-making decisions to be made? Unless the process of legislation is grounded in some values or norms that obtain prior to the process, won't that leave the legislating will in a void, unable to take any legislative decisions at all – or at least, unable to take any rational ones that are more than a mere motiveless plumping for one thing rather than another? Thus, as Charles Larmore puts it, in the course of an argument for realism:

[W]hen we do impose principles on ourselves, we presumably do so for reasons: we suppose that it is fitting for us to adopt them, or that adopting them will advance certain of our interests. Self-legislation, when it does occur, is an activity that takes place in the light of reasons that we must antecedently recognize, and whose own authority we therefore do not institute but rather find ourselves called upon to acknowledge.¹⁵

The realist's concern is that the Kantian gives the agent no way to act except through a kind of 'arbitrary self-launching',¹⁶ and it is hard to see that as either an accurate picture of our agency, or as a promising account of the way in which normativity can be explained. The anti-realist must therefore show how these difficulties can be avoided if the constructivist account of self-legislation is to be maintained.

As well as this problem of emptiness, two further difficulties for the constructivist relate to the *authority* of norms that are self-legislated in this way. The first of these difficulties concerns whether *self*-legislating can ever really amount to a genuine kind of *legislating* or binding – for if I bind myself, can't I *unbind* myself at will, leaving it unclear how I was ever really *bound* in the first place?¹⁷ And the second, related,

¹⁴ Cf. Pinkard 2002 and 2003, who makes the Kantian paradox of self-legislation central to his account of post-Kantian German Idealism. See also Pippin 2000a: 192, who refers to the Kantian position as involving a 'paradox' of self-subjection.

¹⁵ Larmore 2008: 44. It is not only realists like Larmore who raise this difficulty, but it is one frequently commented on by constructivists themselves. See, for example, Korsgaard 1996c: 98.

¹⁶ Regan 2002: 278.

¹⁷ Cf. G. A. Cohen, who raises this as an objection to Korsgaard: 'how can the subject be responsible to a law that it makes and can therefore unmake?' (Cohen 1996: 170). Cf. Thomas Aquinas, *Summa Theologiae* IaIIae 93.5 (cited by Schneewind 2002:

difficulty is raised by Elizabeth Anscombe in the claim that 'the concept of obligation requires superior power in the legislator'.¹⁸ But if it is right that some such hierarchical relation is needed here, how can that be the case if *I* am legislating over *myself*, where it would seem that both sides are on a par, so making the act of legislation impossible?

Taken together, these issues represent the core of the Kantian paradox, which is said to arise for Kant out of his commitment to the argument from autonomy and the picture of self-legislation that this leads to; constructivist readers of Kant have therefore then gone on to try to find in Kant some way in which to overcome the paradox. Thus, in response to the problem of emptiness, it is argued that it is a mistake to see the Kantian self-legislating subject as 'spinning in the void', as some constraints are constitutive of the will or practical agency as such, so that there is some content built into the activity of legislation by such a will from the outset.¹⁹ Secondly, when it comes to the problem of 'unbinding', appeal is again made to the idea of the norms in question being constitutive of reason or of practical agency in some way, so that as a result it is not clear that the subject could ever 'repeal' or withdraw them; but nonetheless, it is argued, it still makes sense to think of the norms as *self*-legislated, as they are constitutive of *our* agency and hence not imposed from outside. And thirdly, in response to Anscombe's challenge concerning the 'superior power' seemingly required in any talk of legislating, constructivists have made use of the hierarchical structure that Kant gives to the self, which seemingly gives the rational aspect of the person a special position in relation to other aspects in a way that enables it to have this legislating role. Thus, in this vein Korsgaard writes:

We might say that the acting self concedes to the thinking self its right to government. And the thinking self, in turn, tries to govern as well as it can. So the reflexive structure of human consciousness establishes a relation here, a relation which we have to ourselves. And it is a relation not of mere power but rather of *authority*. And *that* is the authority that is the source of obligation.²⁰

84/2010: 240): 'Law directs the actions of those who are subject to the government of someone. Hence, properly speaking, none imposes a law on his own actions'.

¹⁸ Anscombe 1958: 2/1981: 27. As others have noted, Anscombe's position somewhat resembles Schopenhauer's: see 1962/1965 §4.

¹⁹ Cf. Korsgaard 1996c: 235–6. For an account of constructivism that attempts to correct for its apparent voluntarism, see Formosa forthcoming.

²⁰ Korsgaard 1996c: 104. Cf. Kant *MM* 6:417–8 (pp. 543–4), to which Korsgaard refers.

In this way, then, constructivist readers of Kant have developed an ambitious programme on his behalf, built up as a response to the problematic Kant is said to be led into as a result of his notion of autonomy, and his resulting conception of self-legislation. And these responses have themselves provoked further debate, concerning, for example, the idea of practical reason having such constitutive principles, and whether, even if it does, they could ever plausibly be claimed to amount to the norms we associate with morality, and thus whether anything like this Kantian project in ethics can be expected to succeed, or whether it must give way to something more modest.²¹ Questions have also been raised about whether any aspect of the self can be given normative authority over another aspect, unless there is already some prior normative order on which that authority can be based.²²

Now, the assumption that Kant has an anti-realist outlook has not only influenced the reading of Kant himself, it has also shaped the accounts that are given of post-Kantian ethics. For, it is argued, those who came after Kant inherited the difficulties associated with the Kantian paradox, because they too were swayed in their thinking by the argument from autonomy, and thus drawn into a constructivist outlook.

So, according to an influential reading of Hegel put forward by Robert Pippin and others, Hegel offered a kind of 'social' solution to the paradox that differed from the Kantian one. Thus, on Pippin's account, Hegel holds that 'we do not face normative claims as singular, unattached, noumenal beings, capable of acting as uncaused causes, but as subjects located in historical time (as modern subjects) in various non-detachable social and ethical relations to each other'.²³ What this means, Pippin argues, is that (contra the Kantian) 'the legislation of such a law does not consist in some paradoxical single moment of election', where the subject has no context for their legislating because everything must be fixed at once; rather, each individual finds themselves 'in medias res' (so to speak), with values and norms that belong

²¹ Cf. the so-called 'Humean constructivism' proposed by Street, which, while sharing some common ground with the Kantian, holds that the upshot of the constructivist position must be more limited: see Street 2008, esp. pp. 243–5 and 2010, esp. pp. 369–70.

²² Cf. Cohen 1996: 171, who argues against a constructivist interpretation of Kant along these lines: 'Kant's person indeed makes the law, but he cannot unmake it, for he is designed by nature to make it as he does, and what he is designed to make has the inherent authority of reason as such'.

²³ Pippin 2000a: 194–5.

to the community of which they are part.²⁴ However, (contra the realist) these values and norms are not things that the community can claim to have ‘found’ or ‘discovered’ in some realist manner, but are themselves the result of a collective and historical process of value creation, driven by the problems in previous attempts to take up values and norms of other kinds, which themselves have proved unstable.²⁵ On Pippin’s account, therefore, Hegel completes the Kantian self-legislation project in a way that aims to avoid the worries raised by the realist, by introducing the characteristic Hegelian themes of sociality and historicity.²⁶

Likewise, it has become commonplace to read Kierkegaard as also inheriting the Kantian idea of the self-legislating subject, but as following it through to its logical conclusion, so that the apparent emptiness and arbitrariness of this subject’s position becomes fully clear. This

²⁴ Cf. Pippin 1991: 72–3: ‘Just as when we attempt to “judge objectively” or “determine the truth,” we inherit an extensive set of rule-governed, historically concrete practices, so when we attempt to “act rightly,” and attempt to determine our action spontaneously, we must see ourselves as situated in a complex collective and historical setting, a dependence on setting very much like that implicitly asserted by the narrative form of the modern novel ... Thus it could be said that, in a way much like the classical ideal of freedom as “realization within the whole,” Hegel too tries to show how the attempt at self-determination requires (at least at some, often very implicit, level) an understanding of oneself as occupying a “place” within a larger whole, except in his view that whole is not nature or the cosmos, but the history of a collectively self-determining subject’.

²⁵ Cf. Pippin 1991: 69–70: ‘On [Hegel’s] account, the question of what comes to count as, in general, an authoritative explanation of objects and events, the decisive classificatory procedure, or evaluative criterion, can never itself be resolved by appeal to an ultimate explanatory principle, or general regulative ideal, or basic argument strategy. There are, finally, no rules to tell us which rules we ought to follow in regulating our discursive practices, no institutions certifying the axioms out of which such rules should be constructed, and no transcendental argument for the necessary conditions for any experience. What we always require is a narrative account of why we have come to regard some set of rules or a practice as authoritative. In Hegel’s “phenomenological” version, such an account must always appeal to a pre-discursive context or historical experience (sometimes simply called “life”) as the origin of such authoritative procedures and rules (even while Hegel also maintains that such a context or experience is itself the “product” of a kind of prior reflective principle, now become implicit, taken for granted, in everyday social life). Our account of our basic sense-making practices is thus tied to an account of the *aporiai* “experienced in the life of Spirit,” and so such a justification is everywhere, to use the famous word, “dialectical,” and not “logical.” Pippin has continued his development of the idea of collective self-legislation in Hegel in his more recent book: see e.g. Pippin 2008: 17–22 and 65–91.

²⁶ Similar themes are also emphasised by Pinkard: see e.g. Pinkard 2002, 2003, and 2007. See also Krasnoff 2008, especially Chapters 3 and 4. For a helpful overview of this approach, see Gordon 2005.

then leads to Alasdair MacIntyre's famous account of Kierkegaard in *A Short History of Ethics* and *After Virtue*, as facing a situation of radical (because groundless) choice: for Kierkegaard, he writes, '[t]he individual utters his moral precepts to himself in a far stronger sense than the Kantian individual did; for their only sanction and authority is that he has chosen to utter them'.²⁷ And Iris Murdoch, in *The Sovereignty of Good*, puts forward a picture of existentialism more generally that chimes with MacIntyre's conception of Kierkegaard:

The centre of this type of post-Kantian moral philosophy is the notion of the will as the creator of value. Values which were previously in some sense inscribed in the heavens and guaranteed by God collapse into the human will. There is no transcendent reality. The idea of the good remains indefinable and empty so that human choice may fill it. The sovereign moral concept is freedom, or possibly courage in a sense which identifies it with freedom, will, power. This concept inhabits a quite separate top level of human activity since it is the guarantor of the secondary values created by choice. Act, choice, decision, responsibility, independence are emphasized in this philosophy of puritanical origin and apparent austerity. It must be said in its favour that this image of human nature has been the inspiration of political liberalism. However, as Hume once wisely observed, good political philosophy is not necessarily good moral philosophy.²⁸

²⁷ MacIntyre 1967: 215. See also MacIntyre 1985: 39–47.

²⁸ Murdoch 1970: 80–1. For a more recent treatment along the same lines, see Pinkard 2002: 347–8: 'Kierkegaard had fully absorbed the modernist and therefore Kantian stress on autonomy. For Kierkegaard, the Kantian lesson – that in both experience and practice the meaning of things for us could not simply be given but had to be supplied by our own activity, our own self-direction – seemed almost self-evidently true, and the shock was how much it seemed by the 1840s to have been forgotten. That we are called to be self-directing, to lead *our own* lives, to be subject only to a law we impose on ourselves, is, as Kant originally saw, quasi-paradoxical. If nothing else, it means that we are called (or determined, to capture the dual connotations of the German term, *Bestimmung*) to *choose* what we are to make of ourselves, and, curiously, this calling to radical choice is both not itself something that is subject to choice, and involves the paradox of demanding reasons for choice while ruling them out. We can be subject only to those laws that we author for ourselves; but, as authors, we must have reasons for the laws we author, since otherwise they cannot be "laws" (reasons) but only contingent events; and, as even Kant had seen, that seemed to be paradoxical'. Cf. also Krasnoff 2008: 158–9, on what he sees as Kierkegaard's critique of Hegel: 'For Kierkegaard, the narrative satisfaction of seeing oneself as the product of the past and one's society was a pale substitute for an authentically lived life ... For Kierkegaard ... the very idea of a reconciliation to the present is a distasteful affront to the autonomy of the self, which always retains its prerogative to break with the past and set out on its own path'.

As Murdoch's final observations indicate, she sees a clear link here with the notion of autonomy developed by Kant and others within the liberal tradition, one that (on this account) has led moral philosophy into the kind of self-legislative story that culminates in the existentialism of a figure like Kierkegaard.

We have seen, therefore, how the argument from autonomy is held to play such a crucial role in shaping the thought not only of Kant, but also of his successors, as he and they sought to come to terms with the 'paradox' of self-legislation that this argument seemed to lead them into – at least according to the standard account. I will now suggest, however, that there are telling grounds on which to claim that this standard account is mistaken and deeply misleading, and that a different problematic is what mattered to Kant and his successors.

Difficulties with the standard story: Rawls's account of Kant's argument from autonomy

The difficulties in the standard story can be seen clearly in Rawls's own treatment of the autonomy argument that he attributes to Kant, which we can now look at in more detail.

In the fifth of his lectures on Kant in *Lectures on the History of Moral Philosophy*, Rawls focuses on Kant's discussion of autonomy and heteronomy at the end of Section 11 of the *Groundwork*, and in related passages from the second *Critique*. It is here, Rawls suggests, that one can find Kant objecting to non-constructivist positions on the grounds that they result in a heteronomous conception of the will. However, as we shall see, Rawls faces telling problems in making this argument out: on the one hand, given Kant's own conception of the autonomy/heteronomy distinction, Rawls acknowledges that it is hard to mount a plausible argument from autonomy against the realist; but on the other hand, once Rawls drops this distinction from the argument, he seems to offer no other grounds on which Kant might make it work. Given these difficulties with arriving at a charitable view of Kant's texts here as amounting to an argument from autonomy against realism, I will suggest that we should not see them as having this purpose.

We can begin, then, by considering Kant's account of the autonomy/heteronomy distinction, and seeing why Rawls does not think this can be the basis for his argument against a realist moral theory such as perfectionism. According to Kant's account, heteronomy results when the will is constrained to act not by reason, but by desire, where then reason

only plays a more subordinate role in helping us to act in such a way as to get that desire satisfied (by helping us to decide on the best means to this end, for example, or weighing up between competing desires). In these latter circumstances, the agent is brought to act by the attractive or repulsive force he feels for a certain object, and reason has a merely assisting part to play – a role that, if this were *all* we needed reason for, might have made it dispensable.²⁹ However, used in this manner reason serves ‘merely to administer an interest not belonging to it’,³⁰ in helping to bring about the satisfaction of our desires, where these can range from the desire for pleasure (as on hedonistic accounts) to the desire for the realisation of our capacities (as on perfectionist ones); but then, in ‘administering this interest’, reason fails to ‘show its own commanding authority as supreme lawgiving’,³¹ because it is placed in this merely subservient position, even if on some of these accounts, we must use reason to help us determine what the realisation of these desires could possibly amount to.³² Thus, because reason fails to be in command here, and is itself reduced to working in the service of desire, it is no longer autonomous; and because reason is no longer autonomous, the same is true of the will as a whole. So, for example, if I resist telling a lie because I am concerned about my reputation, what determines my will is the ‘object’ of desire, in this case my long-term happiness; and because of this, reason has no ‘commanding’ role to play, rendering my action heteronomous. If, however, I resist telling a lie because my maxim fails the universalisability test, here reason is

²⁹ See *GMM* 4:395–6 (pp. 50–1). ³⁰ *GMM* 4:441 (p. 90).

³¹ *GMM* 4:441 (p. 90). Cf. also: *CPrR* 5:61 (p. 189): ‘[The human being] is nevertheless not so completely an animal as to be indifferent to all that reason says on its own and to use reason merely as a tool for the satisfaction of his needs as a sensible being’; *LE* 27:499 (p. 266): ‘[I]f, for example, the principle of universal happiness were to be the basis for determination of the moral law, it would be a question of how far our needs were satisfied in their entire totality by following these laws; but here laws of nature are involved, and the moral laws would have to be subject to them, so that reason would have to obey the laws of nature and sensibility, and that in a necessary fashion (for in the physical order this is so anyway). But this would obviously put an end to the autonomy of reason, and thus be heteronomy’; *LE* 29: 625–6 (p. 263): ‘Reason attends either to the interest of the inclinations, or to its own interest. In the first case it is subservient, but in the other, legislative’.

³² It is because this is a feature of perfectionist and theistic positions that Kant classifies them as *rationalist* material principles, ‘for perfection as a *characteristic* of things, and the supreme perfection represented in *substance*, i.e. God, are both to be thought only by means of rational concepts’ (*CPrR* 5:41 (p. 172)).

playing a governing role in my actions, in such a way as to make reason authoritative, and so to render the action autonomous.³³

Now, clearly, given this Kantian way of drawing the autonomy/heteronomy distinction, we can ask whether moral realism would result in heteronomy in this Kantian sense. That this is so has been suggested by some constructivists, for example Christine Lafont when she writes: 'The standard reason that Kantian constructivists adduce against any kind of moral realism is always the concern that any concession to realism unavoidably involves introducing heteronomous considerations about what human beings happen to want or desire which are incompatible with the crucial role that the notion of autonomy plays in Kantian moral theories'.³⁴ Thus, we might take Kant's conception of autonomy and use this as the basis for a constructivist argument against realism along these lines.

However, as Rawls himself seems to recognise, if we do operate in this way, it would seem that we are attributing a position to Kant that is vulnerable to an easy response from the realist. For it is not clear why

³³ Cf. *GMM*4:441 (pp. 89–90). Cf. Rousseau 1964: Book I, Chapter viii, p. 365/1997: 54: 'for the impulsion of mere appetite is slavery, and obedience to the law one has prescribed to oneself is freedom'. Constructivist readers of Kant invariably take Rousseau to be an important influence in leading Kant to adopt a self-legislation model of autonomy, where this passage is then usually cited in support: see e.g. Rawls 1971: 251; Korsgaard 1989: 237–8 note 31/1996a: 40 note 28; Schneewind 1992: 314/2010: 254–5; Reath 1994: 437/2006: 94; Rawls 2000: 204. However, it is less frequently noted that the context for this comment strongly suggests that Rousseau took freedom to be the result of obeying a law, not because that law is a law that one has made for oneself, but because in obeying the law one is no longer acting out of desire but reason, where Rousseau says that 'moral freedom' is 'that which alone makes man truly master of himself', as this means that we are then no longer driven by our appetites. So, although Rousseau may well be an influence on Kant here in linking morality with autonomy, this influence arguably has less to do with the idea that morality involves self-legislation as obedience to a self-made law than with the idea that freedom requires the exercise of reason and not desire, where this can come about through the moral quality that our actions have for the first time in 'the civil state', where 'man, who until then had looked only to himself, see[s] himself forced to act on other principles, and to consult his reason before listening to his inclinations' (1964: 364/1997: 53). The law that one follows here then counts as 'self-imposed' not because one is making it for oneself, but because in following it, one is following what reason tells one to do, where reason is a part of the self in a way that desire is not.

³⁴ Lafont 2004: 35. Cf. also Korsgaard 1996b: 228–9 note 4/2008: 178 note 3: 'There are two elements to Kant's notion of heteronomy: (a) the law is not the will's own law, but rather is given to it from outside, and (b) the will therefore can be bound by that law only through an inclination or an interest, which renders the imperative to follow the law hypothetical'. Korsgaard, however, seeks to downplay this second element, insisting that 'the real essence of heteronomy lies in the first element'.

the realist cannot simply accept Kant's claim about the need to give reason and not desire the 'commanding' role, but argue that nothing in value realism rules this out, where on many such realist accounts, it is through reason that the agent discerns and is motivated to act by those values.³⁵ Rawls himself points out just this difficulty in reading Kant's argument against perfectionism, if we are to take it along the lines outlined above:

Why can't we know the given order of moral values and then be moved by the thought of a certain action as expressing that order? The text reads as if Kant thinks that there are only two alternatives: either pure practical reason as itself the supreme maker of law determines the object for the will, or else, if the will has an object, even an object specified by rational ideas given to our reason, the will is determined by an impulsion arising from the expected effect of doing the action, in which case nature would make law. Yet this is incorrect, for there is a third alternative. If we were to act from the principles of a moral order lying in divine reason, affirming those principles as such as the supreme law, then not nature but our acceptance of the rational ideas lying in God's reason would make law. This is just Leibniz's view: we should act on these ideas as far as we can know them.³⁶

Thus, because Rawls thinks that Kant fails as things stand to rule out this third alternative, and thus show why a position like Leibniz's is heteronomous in these terms, he tries instead to attribute to Kant an argument from autonomy against moral realism that does not rely on the false dichotomy that this view of heteronomy apparently generates.

³⁵ Cf. Regan 2002: 290, who argues that the Kantian position 'suggests a false dichotomy': 'Generating the *content* of the law out of our own reason is not a necessary precondition of nondetermination by sensuous motives'.

³⁶ Rawls 2000: 229; also Rawls 2000: 235–6: 'One main weakness is that Kant supposes there to be only two possibilities: either the moral law is founded on an object given to it, in which case it depends on our susceptibility and the pleasure we anticipate from realizing that object, or the moral law as pure practical reason determines (constructs) its own object out of itself ... What is missing here is the recognition that intuitionism says that knowledge of the order of values can arouse moral feelings and the desire to act accordingly'. Reath registers the same worry, when he writes: '[I]t is not clear that Kant has offered any reason to reject a version of rational intuitionism which holds that: (a) the first principles of morals state truths about right action that obtain in virtue of intrinsic values or relationships between objects that exist independently of the will; (b) these principles lay down unconditionally valid obligations, whose authority is independent of any contingent interests; and (c) our grasp of the validity of these principles has motivating force' (Reath 2006: 137).

However, as a result, Rawls himself finds it very difficult to say anything to flesh out the argument from autonomy he offers on Kant's behalf, other than to make the simple claim that any position which sets up a 'prior and antecedent order of values' *ipso facto* renders us heteronomous: 'Besides holding that we cannot discern these ideas, Kant's point must be that even if we could, our pure practical reason must be the supreme maker of its own principles',³⁷ if autonomy is to be preserved. But the question now is, if this is Kant's position, why should the realist accept it? What makes realism heteronomous, if it is not that it makes morality a matter of desire rather than reason?

One suggestion here, offered by Robert Johnson, is that Kant's position should be modelled on that of the theistic voluntarists, who argue that unless God's will were itself responsible for determining the value of things, then his omnipotence would be undermined. Johnson writes as follows:

First, let me give you an intuitive sense of why autonomy commits Kantian ethics to denying that value is a source of reasons. Consider a parallel example: the Divine Command theory's resolution of a Euthyphro-style dilemma. That dilemma begins with the assertion that God loves (or responds in some appropriate way to) all and only good things. This raises the question, Why? Is it because their value provides a reason for God to give them their due, His love? But if God loves a good thing only because its goodness gives him a reason to love it, then its goodness explains the appropriateness of God's love for it, and this is incompatible with God's omnipotence. The value that provides a reason for God to love it would be a constraint on God's love in the sense that God must respond to reasons provided by the value of things or else fail to have

³⁷ Rawls 2000: 229–30. See also Darwall 2006: 221–2, where Darwall introduces a 'deontological intuitionist form of heteronomy' as follows: 'Can acceptance of this principle [of promise-keeping] after a deontological intuitionist fashion manifest Kantian autonomy? I think the answer has to be "no". To be sure, such an acceptance is not based on features of any object of the agent's desire or on the independent desirability of any possible state of the world ... [But the agent] accepts the principle because (as she believes) promise-keeping is (self-evidently) intrinsically right (*pro tanto*). She doesn't accept the principle of keeping promises because it follows from some formal principle of the will like the CI [categorical imperative]. Her acceptance derives rather from intrinsic features of promise-keeping and the property of rightness that she takes to supervene upon these'. And cf. also Korsgaard 1996b: 229 note 4/2008: 178 note 3, who allows that it could be said that '[o]ne is not bound to considerations of honor by inclination or interest: one is honorable for its own sake, moved by a conception of how one ought to act'; but, she insists, 'this kind of action is still not fully autonomous because the laws of honor are not the will's *own* law'.

the requisite response. The alternative is to say that those things are good because of God's love for them. God's love explains their value. But then goodness looks like an arbitrarily distributed shadow cast by God's attention. For if God loved some entirely different set of things, then those other things would have been good. The Divine Command theorist opts for the second horn, and then is saddled with the problem of explaining why goodness isn't arbitrarily distributed after all.

Kantians must resolve a similar Euthyphro-style dilemma in the same way as the Divine Command theory. What possess value on the Kantian view are all and only the objects of rational agency. Now if value is the source of the reasons for the pursuits of rational agents, then the authority governing rational agency is external to that agency itself, in the value of things that are its objects. But on the Kantian view, rational agency must be autonomous, in the sense that the requirements binding it are wholly self-generated and self-imposed. The autonomy of reason, the central guiding idea behind Kantian moral theory, is thus the very foundation of the case against the claim that there is some value that provides reason to conform to moral obligation. Autonomy requires that value not be a source of reasons.³⁸

The central claim seems to be, then, that just as value realism would clearly undermine God's omnipotence in the theistic case, so it would clearly undermine our autonomy as human beings.

However, if Rawls rejected the earlier interpretation of Kant's position for its philosophical weakness, so the same would seem to be true of this interpretation. For, the realist can argue in response to this challenge that there is a significant difference between *omnipotence* and *autonomy*, however we exactly spell out the latter, and that this is apparently being overlooked by Johnson. Thus, while it may indeed be plausible to hold that God's *omnipotence* would be undermined if values obtained independently of his will (though of course even this could be denied), given that autonomy is a much weaker notion than omnipotence, nothing so far shows that the parallel argument has any such plausibility and that to model the argument on the theistic case is highly misleading for that reason. The realist may therefore grant that Johnson is right that realism would undermine omnipotence in the theistic case, but still feel she has been given no grounds on which to think it undermines autonomy in ours. For, suppose the goodness of something did indeed provide God with a reason to love it, such that he would be rationally criticisable were he not to do so; there would

³⁸ Johnson 2007: 140–1.

then be some sense in which he 'must' respond to that thing with love, based on this reason. Perhaps Johnson is right that then God would have to fulfil certain requirements in a way that would limit his 'powers' in some way and thus threaten his omnipotence; but (the realist will argue) how can it be that having to follow a reason in this manner in his actions would make him less *autonomous*, any more than having to follow what there is reason to *think* does so? It would seem, then, that the argument from autonomy as Johnson presents it needs further development if it is to be made convincing.

Nonetheless, leaving considerations of charity aside, it might still be said that something like this argument must have been Kant's, on textual grounds – where one such text in particular is frequently cited by constructivist interpreters, from the *Groundwork*:³⁹

If the will seeks the law that is to determine it *anywhere else* than in the fitness of its maxims for its own giving of universal law – consequently if, in going beyond itself, it seeks this law in a property of any of its objects – *heteronomy* always results. The will in that case does not give itself the law; instead the object, by means of its relation to the will, gives the law to it ... [The categorical imperative] must therefore abstract from all objects to this extent: that they have no *influence* at all on the will, so that practical reason (the will) may not merely administer an interest not belonging to it [*fremdes Interesse*], but may simply show its own commanding authority as supreme lawgiving.⁴⁰

Constructivists typically take this passage to be targeted against moral realism, as a position which holds that the will should be determined by the moral properties possessed of certain objects, where Kant is then read as claiming that any such position is heteronomous, because then the moral law comes from such objects rather than the will itself, where the latter form of lawgiving is said to be needed for autonomy. Understood in this fashion, this important passage may seem to be a clear attempt by Kant to offer an argument from autonomy against realism, just as Rawls and others have supposed.

However, I think that a closer look at this text suggests that such constructivist interpretations are misplaced. For, as we have seen, at the centre of Kant's conception of the autonomy/heteronomy distinction is a contrast between reason controlling the will on the one hand, and reason acting as a 'handmaid' to achieve some end given to it by

³⁹ See, for example, Rawls 2000: 226–7; Reath 2006: 128. (Cf. also Darwall 1995: 323–4.

⁴⁰ *GMM* 4:441 (pp. 89–90).

desire on the other. Kant's claim in this passage, therefore, is that the will is only autonomous if 'practical reason (the will)' does not 'merely administer an interest not belonging to it' – that is, if it does not simply help to obtain some object or end in which we have an interest, as this results in heteronomy on Kant's picture.⁴¹ Thus, Kant claims, autonomy is not possible if I follow merely hypothetical imperatives, as here reason is serving merely as a handmaiden in this manner; it can only be in control when following a categorical imperative, where it then shows its 'commanding authority as supreme lawgiving', because it is no longer just engaged in pursuing such an end.⁴² As we have seen, however, one can accept *this* form of Kantian autonomy/heteronomy distinction, without taking that to tell against realism in the way that constructivist interpreters suggest.⁴³

Moreover, this way of understanding this passage explains something that Rawls finds puzzling, which is that while Kant offers a critique of perfectionism for its heteronomy, he does not offer a critique of rational intuitionism as such on similar grounds. This is perplexing for Rawls because he takes the realism of perfectionism to be the basis for its heteronomous status, which might therefore be expected

⁴¹ Cf. Irwin's reading of this passage: 'In Kant's view, an autonomous will does not "go outside itself" to seek the law that will determine it "in the property of any of its objects" ... Hence the law that determines the will is the law proper to the will, and not introduced from any object of inclination. This aspect of autonomy does not preclude objectivity, if the law proper to the will is the law recognized by reason' (Irwin 2009: 156). See also p. 164: 'We go outside the rational will in appealing to other sorts of incentives that are not essential to a rational will; [Kant] does not say that we go "outside" it if we introduce an objective reality that guides the will'.

⁴² Cf. *CPrR* 5:118 (p. 235): 'Inclination is blind and servile, whether it is kindly or not; and when morality is in question, reason must not play the part of mere guardian to inclination but, disregarding it altogether, must attend solely to its own interest as pure practical reason'.

⁴³ Relatedly, we can therefore see that Korsgaard also goes too far when she writes: 'I think Kant's view is that the rational mind is by its very nature under its own authority, and a will that simply accepted the authority of state-of-the-world regarding reasons *would be* governed by something alien to itself. It would be, in Kant's words, "consciously receiving direction from any other quarter" – something Kant says reason cannot do (4:448)' (Korsgaard 2007: 15). Taking Kant's remark in context, it is clear that 'the other quarter' that would be 'alien to itself' is not some 'state-of-the-world' that reason has not itself constructed, but the faculty of desire, which if this is in control would indeed take away from the authority of the agent's rational mind in judging how to act: 'Now, one cannot possibly think of a reason that would consciously receive direction from any other quarter with respect to its judgments, since the subject would then attribute the determination of his judgment not to reason but to an impulse' (*GMM* 4:448 (p. 96)).

to extend naturally enough to rational intuitionism as well. Rawls is uncomfortably aware, however, that Kant never seems to expand his argument from the heteronomy of perfectionism to the heteronomy of realist intuitionism in this Rawlsian manner. Thus, while he insists that 'it is not sufficiently appreciated that Kant would reject rational intuitionism as a form of heteronomy just as firmly (or so I think) as he would reject Hume's psychological naturalism', he nonetheless concedes that 'part of the explanation for the failure to appreciate this fact about Kant's view may lie in Kant's own exposition: he nowhere clearly describes rational intuitionism and there shows why he thinks that it is heteronomous'.⁴⁴ Now this, I think, is a remarkable admission, which should give us pause; and it is made even more remarkable by Rawls's further explanation for why Kant nowhere gives this clear description of rational intuitionism, which is that '[p]ossibly he lacks a clear conception of it'.⁴⁵ We can now see, however, why it is no accident that Kant offers no such critique of rational intuitionism: for, given the distinction between autonomy and heteronomy that Kant is working with here, any critique of this sort would be out of place.

What I am proposing thus far, therefore, is a dilemma for the constructivist: on the one hand they could use the Kantian notion of heteronomy as related to desire and not to reason, but accept that the realist cannot easily be convicted of heteronomy in this sense.⁴⁶ On the other hand, they might just adopt the simple claim that moral realism just is incompatible with autonomy, but without any real resources to explain why. Either way, it appears, we have not found a way of developing an argument from autonomy in a manner that would make Kant's position compelling, if he is interpreted along these lines.

Difficulties with the standard story: Kant's value realism

As well as these difficulties faced by the 'standard story' in finding a cogent argument from autonomy in Kant's texts, another problem with the constructivist's account of Kant's position is that there are good grounds for thinking that Kant *himself* was a value realist of sorts – which of course makes it unlikely that he took such realism to be a threat to our autonomy.

⁴⁴ Rawls 2000: 235. ⁴⁵ Rawls 2000: 235.

⁴⁶ Oliver Sensen takes this option, and so admits that Kant's argument is 'not watertight' (see Sensen 2011: 270).

These value realist readings of Kant have often grown out of dissatisfaction with attempts to treat the categorical imperative as normatively prior and self-standing, and have instead claimed that underlying it there is a value that makes it binding and explains our commitment to it, and which gives it content. That value is generally taken to reside in our status as free and rational agents, and because our worth as such agents is not itself constructed, so neither is the moral law that is grounded upon it. Thus, as Allen Wood puts this more realist view: 'The content of the [moral] law is not a creation of my will, or the outcome of any constructive procedure on my part. The law of autonomy is objectively valid for rational volition because it is based on an objective end – the dignity of rational nature as an end in itself'.⁴⁷

Proponents of the value realist account of Kant have largely pointed to two main pieces of textual evidence in favour of their view, both found in the *Groundwork*. The first is from the opening section, which identifies the good will as good without qualification, in a way that appears to make a clear attribution of value to it:

It is impossible to think of anything at all in the world, or indeed even beyond it, that could be considered good without limitation except a *good will* ...

A good will is not good because of what it effects or accomplishes, because of its fitness to attain some proposed end, but only because of its volition, that is, it is good in itself and, regarded for itself, is to be valued incomparably higher than all that could merely be brought about by it in favor of some inclination and indeed, if you will, of the sum of all inclinations.⁴⁸

Kant admits that to some, his value claim here may appear peculiar, particularly if they think the aim of reason is just to help us to become

⁴⁷ Wood 2008: 108, also 1999, especially pp. 46–7, 111–55. As well as Wood, proponents of the value-realist approach include also Schönecker 1999: 387–9; Guyer, particularly in his collection of essays Guyer 2000; Langton 2007; and Hills 2008. A form of 'teleological' reading that emphasises consideration of value in Kant's work is also proposed by Barbara Herman in Herman 1993, esp. pp. 208–40; but Herman explicitly states that '[t]he sense in which I think we must leave deontology behind does not require that we argue for an independent conception of value as the foundation for practical reason' (p. 239). For critical reviews of Wood and Guyer respectively, see Pippin 2000b and Reath 2003.

⁴⁸ *GMM* 4:393–4 (pp. 49–50). Cf. also *LE* 29:608 (p. 231): 'Everyone knows that nothing in the world is absolutely good without restriction, save a good will ... An imperative is categorical if it is the rule of a will itself intrinsically good'.

happy and look after our well-being, rather than to attain moral goodness:

There is, however, something so strange in this idea of the absolute worth of a mere will, in the estimation of which no allowance is made for any usefulness, that, despite all the agreement of even common understanding with this idea, a suspicion must yet arise that its covert basis is perhaps mere high-flown fantasy and that we may have misunderstood the purpose of nature in assigning reason to our will as its governor.⁴⁹

Kant responds to this worry, however, by turning the tables on his opponent, and arguing that in fact reason is a pretty poor and dispensable guide to happiness that nature could have done without if that was its purpose; so reason's real role clearly lies elsewhere, in helping us to become good wills, where 'the true vocation of reason must be to produce a will that is good, not perhaps *as a means* to other purposes, but *good in itself*, for which reason was absolutely necessary'.⁵⁰ The value realist's claim, therefore, is that these early passages from the *Groundwork* show that Kant was working with a conception of the value of the good will (where this good will is later identified with the rational will that acts in accordance with the categorical imperative).

A second part of the *Groundwork* that is also appealed to by the value realist is Kant's discussion of the Formula of Humanity in the middle of Section II. Kant begins that discussion by distinguishing between objective and subjective ends for action, in relation to which the rational agent follows law-like principles. Subjective ends acquire their status as ends thanks to the desires of the agent, while objective ends serve as ends for all rational beings. A material principle is one that is aimed at the attainment of a subjective end, whereas a formal principle is related to an objective one. Material principles can therefore only supply hypothetical imperatives, and so are not suited to serve as moral principles. The question is, therefore, whether there are any formal principles, and thus whether there is any objective end which might underlie them.

It is at this point that Kant writes in a way that has attracted the attention of the value realist, in seeming to claim that this objective end needs to be something of 'absolute worth', which could then serve as an end in itself, and thus as a ground of the formal principle: 'So act

⁴⁹ *GMM* 4:394 (p. 50). ⁵⁰ *GMM* 4:396 (p. 52).

that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never as a means'⁵¹ – that is, the so-called Formula of Humanity. Kant writes as follows:

But suppose there were something the *existence of which in itself* has an absolute worth, something which as *an end in itself* could be a ground of determinate laws; then in it, and in it alone, would lie the ground of a possible categorical imperative, that is, of a practical law.

Now I say that the human being and in general every rational being *exists* as an end in itself, *not merely as a means* to be used as this or that will at its discretion; instead he must in all his actions, whether directed to himself or also to other rational beings, always be regarded *at the same time as an end*... [Rational beings] are not merely subjective ends, the existence of which as an effect of our action has a worth *for us*, but rather *objective ends*, that is, beings the existence of which is in itself an end, and indeed one such that no other end, to which they would serve *merely* as means, can be put in its place, since without it nothing of *absolute worth* would be found anywhere; but if all worth were conditional and therefore contingent, then no supreme practical principle for reason could be found anywhere.⁵²

As one value realist commentator has remarked: 'Kant could hardly make his views any clearer: the existence of rational beings has in itself an absolute value'.⁵³

There is, moreover, a third discussion in the *Groundwork* that I believe value realists could also appeal to, though this is less often remarked upon.⁵⁴ This occurs in Section III where Kant's intentions and argument are notoriously opaque. In general, it appears, Kant is trying here to deal with certain sceptical worries that might arise in respect of the account of morality he has offered in the first two sections, where the concern is that morality could still be claimed to be a 'chimerical idea' or a 'phantom'.⁵⁵ These sceptical worries, however, are not best seen in the manner of the amoralist's challenge to the ethics of the 'why be moral?' variety, but more like the worries that might plague someone who is well-disposed towards morality, and yet who is puzzled by it in certain fundamental respects.⁵⁶ In this last

⁵¹ *GMM* 4:429 (p. 80).

⁵² *GMM* 4:428 (pp. 78–9).

⁵³ Hills 2008: 190.

⁵⁴ But cf. Schönecker 1999: 387–9.

⁵⁵ *GMM* 4:445 (p. 93).

⁵⁶ Cf. Timmermann 2007: 129–30. For further discussion, see Stern 2010.

section of the *Groundwork*, Kant focuses on three interrelated aspects that may appear to make morality problematic and hence ‘chimerical’: the extent that we can claim to be the free agents that moral actions require; the difficulty of accounting for the binding nature of morality; and the ground and nature of the special ‘interest’ that we take in acting morally, when this does not seem to reduce to any *self-interest*, and indeed can go against our desires and individual concerns. The latter can seem particularly puzzling: for if morality is not something that satisfies those desires and concerns, what can explain our caring about it in the way that we do? Kant expresses this puzzlement as follows, where he puts the issue in terms of needing to show that moral action has a kind of worth or value, independently of serving our subjective ends:

[F]or, if someone asked us why the universal validity of our maxims as a law must be the limiting condition of our actions, and on what we base the worth we assign to this way of acting – a worth so great that there can be no higher interest anywhere – and asked us how it happens that a human being believes that only through this does he feel his personal worth, in comparison with which that of an agreeable or disagreeable condition is to be held as nothing, we could [so far] give him no satisfactory answer ... [W]e cannot yet see, in this way, that we ought to detach ourselves from such interest, that is, to regard ourselves as free in acting and so to hold ourselves yet subject to certain laws in order to find merely in our own person a worth than can compensate us for the loss of everything that provides a worth to our condition; and we cannot yet see how this is possible, and hence *on what grounds the moral law is binding*.⁵⁷

Kant’s puzzle here, therefore, seems to be this: what can explain why we think it is more valuable to act as moral agents, even though we know that on occasion doing so will go against the very pleasures and satisfactions the having of which we take to bring value to our lives, and hence in a way that apparently *robs* our lives of value in these respects? Unless this puzzlement is dispelled, Kant fears, we may fall into doubts about the intelligibility of morality.

His response, then, seems to be to try to give some sort of account of where the distinctive and special value of moral agency resides, and why we find it so compelling to treat this as having greater worth than the worth that comes into our lives from having non-moral pleasures

⁵⁷ *GMM* 4:449–50 (p. 97).

and satisfactions. To do so, Kant appeals to the transcendental distinction he draws in the first *Critique* between the level of appearance (in which our desiring selves reside) and the noumenal level (which contains our moral selves), using this transcendental distinction of levels, and the fact that the latter is prior to the former, to underpin the value claim made on behalf of the good will, and to show why *this* matters to us so much more. In this way, Kant suggests, he can explain why even ‘the most hardened scoundrel’ will admit that he would be a ‘better person’ (i.e. a person of greater worth) by bringing himself to act morally, where he would then be acting in the ‘higher’ world of the understanding and not the ‘lower’ world of sense.⁵⁸ Of course, Kant says, the details of how exactly this works, and how these two ‘worlds’ interrelate will always be murky to us;⁵⁹ but something along these lines must be right, he argues, if the value we place on being moral agents is not to remain unfathomable, and render morality itself questionable as a result.

We have seen, then, that there appear to be good textual grounds on which to attribute value realism to Kant himself;⁶⁰ and if so, it of course becomes implausible to think that he would have taken such realism to be a threat to our autonomy.

However, as is perhaps to be expected, this value realist reading of Kant can and has been challenged in a number of ways, so that before seeing this as settling the issue, these challenges require some consideration. We can first consider some responses to the realist’s reading of the three parts of the *Groundwork* that we have gone through, and then some other textual evidence used against the value realist’s approach.

Beginning, then, with Kant’s discussion at the start of Section I of the *Groundwork*: in her defence of the realist reading, Alison Hills imagines a possible reply, which is to claim that ‘the first paragraphs set out a version of value realism that Kant will later repudiate as philosophically naïve’, on the grounds that the structure of the *Groundwork*

⁵⁸ *GMM* 4:454–5 (p. 101). Cf. also *CJ* 5:451 (p. 317), where Kant argues that a person would feel himself ‘worthless in his own eyes’ were he to become amoral and decide to ‘hold the laws of duty to be merely imaginary, invalid, and nonobligatory, and were to decide to transgress them without fear’. And cf. *CPrR* 5:86–9 (pp. 209–11).

⁵⁹ See the section ‘On the Extreme Boundary of all Practical Philosophy’, *GMM* 4:455–63 (pp. 101–8).

⁶⁰ Although I will not consider them further here, Guyer also appeals to other writings such as the lectures *Naturrecht Feyerabend* (27: 1319–22) in support of a realist reading: see Guyer 2000: 152–3, 156–8, and 170–1.

is such that Kant ‘begins with “ordinary rational knowledge of morality”, and in the course of each chapter, moves to a more philosophically sophisticated theory’.⁶¹ In response, however, Hills points out that Kant never repudiates such ‘ordinary rational knowledge’, while (as we have seen) the realist can claim that evidence for their reading can equally be found in later parts of the text, so that there is no reason to think that this earlier material is anomalous in any way. Nonetheless, it could then be said that while Kant does not later repudiate such knowledge, in the later sections he gives an *account* of this knowledge, and of what the value of the good will consists in, that is not as realist as these remarks suggest, so that it is the later discussions that must be considered as the important ones in this dispute.

Turning now to Kant’s treatment of the Formula of Humanity, it has been accepted by critics of the realist account that Kant does treat humanity as having a value; but it has then been argued that ‘[t]he value of the good will and humanity ... comes from their being objects of rational choice, and not the other way around’,⁶² as the realist claims. The suggestion, then, is that the Formula of Humanity discussion is no exception to Kant’s general anti-realism about value, even if it may superficially appear otherwise. However, I think the realist can respond by noting that even their critics seem to concede that the realist reading of the text is the more natural one,⁶³ and can argue

⁶¹ Hills 2008: 190. Guyer also considers and rejects this response in Guyer 2000: 139–47.

⁶² Johnson 2007: 144. Cf. Dean 2006: 12, and 151: ‘Kant ... undeniably attributes special value to the end in itself [and so to humanity], saying it has an incomparably high value, a value independent of inclinations, and the like. So the point of dispute cannot be whether he thinks the Categorical Imperative is based on some end, or whether he ever talks about the value of that end. Instead, the question is which part of Kant’s theory is conceptually prior and fundamental – the claim that there is an end that necessarily provides a reason for acting in certain ways, or the attribution of value to such an end. I have proposed that an argument can be provided for treating humanity in special ways, an argument that does not rely on any prior claims about value. Only after these practical requirements are established, I have argued, can we express the practical requirements in terms of value’. For a similar view, cf. also Sensen 2009 and 2011: 271, where Sensen suggests that for Kant ‘value is dependent on the Categorical Imperative’, and not vice versa; and Schneewind 1996a: 286/2010: 278, where Schneewind writes that ‘[g]oodness and value, on this reading of Kant, are always explained in terms of rational willing’; and Formosa forthcoming.

⁶³ Cf. Dean 2006: 12, where Dean admits that ‘Kant himself misleadingly presents the argument, in *Groundwork* 427–9, as if it may depend upon prior claims about the “absolute value” of humanity’. And Sensen allows that Kant ‘refers to value in raising the issue’ of the ground of the Formula of Humanity (Sensen 2011: 270).

that they only refuse to accept this reading because it runs contrary to what they take to be Kant's overall position; but this, of course, is to beg the question against the realist, pending further textual support. This is not to deny that, using Kantian materials, a conception of the value of rational beings could be offered that is more constructivist, as arising from the way practical reason requires us to apply the universalisability test to our maxim or to act on reasons that others can share (for example), which will mean that we will accord rational agents a special status. But the fact remains that this is not how Kant appears to proceed in the talk about the value of such agents in the passages we have cited, where instead he argues that unless there were something of absolute value the moral law could not have a properly categorical structure, where he argues for rational agents as having such value by elimination.⁶⁴ A remaining interpretative card to be played at this point is to stress Kant's insistence on the intimate relation between the different formulations of the categorical imperative, where prioritising the more formalistic Formula of Universal Law may seem to favour a constructivist approach.⁶⁵ But such is the range of options in connecting the formulae here that it is unlikely that anything conclusive will emerge that has not already been covered.⁶⁶

Finally, in relation to Kant's discussion of value in Section III of the *Groundwork*, this is a point that realists themselves have not emphasised so greatly, and that has therefore received less critical debate from this perspective than the other texts.⁶⁷ Perhaps, given the sheer complexity of Kant's discussion here, it could just be claimed that the realist account I have given cannot be established with any certainty, and other accounts of Kant's solution to the problem of our 'interest' in morality can instead be offered that do not depend on our moral agency having a special value based on its position in the 'world of understanding' rather than the 'world of sense'.⁶⁸ Moreover, the response may well be that any such realist reading must be discounted, given the other textual evidence against it. To try to settle this issue, therefore, we need now to look at this material.

⁶⁴ For a defence of this way of taking Kant's argument here, in opposition to Korsgaard's more constructivist one, see Timmermann 2006.

⁶⁵ *GMM* 4:436–7 (pp. 85–6). This point is made by Sensen 2009 and Formosa forthcoming.

⁶⁶ See e.g. Guyer's account in Guyer 2000: 159–61.

⁶⁷ But cf. Sensen 2009: 106.

⁶⁸ Korsgaard 1996c could be understood along these lines.

The first set of such textual evidence comes from the *Groundwork* itself, where it is argued that Kant says things in this work that count against the realist reading. We have already considered in the previous section how Kant's discussion of the heteronomy/autonomy distinction may be said to show that Kant is not a value realist. As we have seen, however, this way of taking the discussion is disputable. We have also mentioned the passage in which Kant talks of the subject 'giving the law to itself';⁶⁹ but realist readers have argued that this cannot be taken at face value in constructivist terms, in so far as Kant also states that the content of this law has no author;⁷⁰ while there is a tentativeness in the way that Kant puts things here which should also perhaps give rise to doubts ('must be viewed'; 'can regard itself'). Another piece of text that can be cited from the *Groundwork* is Kant's claim that '[n]othing can have a worth other than that which the law determines for it';⁷¹ where it is then argued on this basis that Kant cannot have wanted to have the Formula of Humanity (as a formulation of

⁶⁹ *GMM* 4:431 (p. 81).

⁷⁰ Cf. *LE* 27:282–83 (p. 76): 'The lawgiver is not always simultaneously an originator of the law; he is only that if the laws are contingent. But if the laws are practically necessary, and he merely declares that they conform to his will, then he is a lawgiver. So nobody, not even the deity, is an originator of moral laws, since they have not arisen from choice, but are practically necessary; if they were not so, it might even be the case that lying was a virtue. But moral laws can still be subject to a lawgiver; there may be a being who is omnipotent and has power to execute these laws, and to declare that this moral law is at the same time a law of His will and obliges everyone to act accordingly. Such a being is then a lawgiver, though not an originator; just as God is no originator of the fact that a triangle has three corners', and *MM* 6:228 (p. 381): 'A (morally practical) law is a proposition that contains a categorical imperative (a command). One who commands (*imperans*) through a law is the lawgiver (*legislator*). He is the author (*autor*) of the obligation in accordance with the law, but not always the author of the law. In the latter case the law would be a positive (contingent) and chosen law. A law that binds us a priori and unconditionally by our own reason can also be expressed as proceeding from the will of a supreme lawgiver, that is, one who has only rights and no duties (hence from the divine will); but this signifies only the idea of a moral being whose will is a law for everyone, without his being thought of as the author of the law', and cf. also *LE* 27:544 (p. 302): 'Were we to conceive of the legislator as *auctor legis*, this would have reference only to statutory laws. But if we ascribe an *auctor* to laws that are known, through reason, from the nature of the case, he can only be an author of the obligation that is contained in the law. Thus God, too, by the declared divine will, is *auctor legis*, and precisely because natural laws were already in existence, and are ordained by Him'. For further discussion of this material and related passages, see Acton 1970: 38–9; Kain 1999: 177–99, 2004, 2006; Hare 2001: 94–7; Ameriks 2003; Irwin 2004; Timmermann 2007: 106–7; and Wood 2008: 106–16.

⁷¹ *GMM* 4:436 (p. 85). This claim is emphasised by Johnson 2007: 143–7 and Dean 2006: 45.

the moral law) be ‘determined’ or grounded in what has a prior value. However, in response, Rae Langton has pointed out that “‘Determine” is a notoriously slippery verb, one that can be pushed either way on the Euthyphro question. Do the gods “determine” what is good? Two questions really: Do they decide it? Do they discover it?”⁷² Langton suggests, in defence of the value realist approach, that we should interpret Kant as meaning the latter. Alternatively, if (as someone like Guyer claims) freedom is of fundamental value for Kant, but that freedom requires us to follow self-imposed laws, our worth can be said to be determined by this lawgiving, without being derived from it:⁷³ our worth comes from a freedom that is constrained in the right way, where this freedom can only be realised through such lawgiving and so is determined by it in this sense.

Now, some opponents of the value realist reading have accepted that the *Groundwork* is equivocal on this sort of issue, but they have argued that Kant’s considered position is much clearer elsewhere in his later works, particularly in the *Critique of Practical Reason*, and especially in Kant’s discussion there of the relation between the good and the moral law. It is this discussion, it is widely claimed, that shows that Kant finally renounced any lingering value realism that may be confusingly present in the *Groundwork*, and put forward his settled view.⁷⁴ It is to this text, therefore, that we need finally to turn, as a last test for the plausibility of the value realist interpretation.

The discussion in question occurs in the second chapter of ‘The Analytic of Practical Reason’, entitled ‘On the Concept of an Object of Pure Practical Reason’. According to opponents of the value realist interpretation of Kant, what this chapter shows is that Kant rejects any attempt to treat the good as prior or foundational in ethics, as doing so would inevitably make moral action heteronomous, as then the motivation to act would come through our desire for that good, and not through reason. Kant’s ‘Copernican revolution’ in ethics is therefore said to treat the categorical imperative as prior thanks to its status as a formal principle of practical rationality, and to hold that the good must be constructed out of that; and, just as in the first *Critique*, Kant is supposed to accept the appearance of paradox that such a reversal

⁷² Langton 2007: 183. Cf. also Timmermann 2006: 78.

⁷³ Cf. *LE* 27:344 (p. 125); *NM* 19:288 (p. 473).

⁷⁴ Cf. Dean 2006: 45–9, 117, 151.

will have to those wedded to the old, pre-Copernican, picture. Rawls puts this line of interpretation as follows:

We might say that a moral conception is not to revolve around the good as an independent object, but around a (formal) conception of the right (together with a [formal] conception of the good will), as constructed by our pure practical reason, which any permissible good must fit. Or as Kant puts it when he explains what he calls 'the paradox of method' in critically examining practical reason (*KP* 5:62f): '*The paradox is that the concept of good and evil is not defined prior to the moral law, to which, it would seem, the former would have to serve as a foundation; rather the concept of good and evil must be defined after and by means of the law.*' (Kant puts the entire sentence in italics.)⁷⁵

The claim is, then, that Kant's discussion here supports the constructivist turn, and so shows that the value realist's understanding of his position is wrong-headed. I will now argue, however, that Kant's position here is rather different from the one attributed to him by Rawls and others, as can be seen when Kant's discussion is placed in context.

As Kant makes clear in the Preface to the *Critique of Practical Reason*, and as I think must be agreed on all sides, the context for Chapter II of the *Analytic* is given by Herman Andreas Pistorius's critical review of the *Groundwork*, where here he is complimented by Kant as someone 'who is devoted to truth and astute and therefore always worthy of respect'⁷⁶ – where it is rare for his opponents to receive any such accolade from Kant. He summarises Pistorius's objection as being that in the *Groundwork*, '*the concept of the good was not established before the moral principle* (as, in his opinion, was necessary)'.⁷⁷ Kant expresses the 'hope' in his Preface that he has 'dealt adequately' with this criticism in Chapter II.

As his respectful remarks about Pistorius indicate, Kant accepts that Pistorius's objection can easily appear compelling: for, it may indeed

⁷⁵ Rawls 2000: 227. Rawls is using the translation of this passage in Kant 1956: 65. Cf. also Rawls 1989: 93/1999: 509. For similar interpretations, see Silber 1959; Gaut 1997: 162–3; Dean 2006: 151; Sensen 2011: 268–9; and Schneewind 1992: 316/2010: 256–7, where Schneewind argues that Kant rejected the idea that 'a right act can be one that brings about good states of affairs', because 'it makes autonomy in his sense impossible. Suppose that a kind of state of affairs is intrinsically good because of the very nature of that kind of state of affairs. Then the goodness occurs independently of the will of any finite moral agent, and if she must will to pursue it, she is not self-legislating'.

⁷⁶ *CPPr* 5:8 (p. 143).

⁷⁷ *CPPr* 5:8 (p. 143). See Pistorius 1975, especially 145–6.

seem plausible to think that in order to establish any moral principle, one should start by establishing what is good and bad, and then frame one's moral principles in terms of that, as helping us to attain the former and avoid the latter. Thus, it may well seem that Kant gets his method of moral inquiry in the *Groundwork* the wrong way round, by *first* setting out what he takes the principles of morality to be, and *then* determining what is good accordingly, rather than vice versa, in the way that Pistorius recommends, and which (Kant allows) has an obvious intuitive appeal. This, then, is Pistorius's challenge as I think Kant sees it.

Moreover, there is an important further issue lying behind Pistorius's objection, which makes it even more pressing for Kant. For, according to Pistorius, it is no accident that because of the order in which Kant proceeds in the *Groundwork*, of beginning with moral principles, he then ends up with a conception of the good that is at odds with a certain more traditional conception, which holds that moral goodness and the good for the individual form complementary aspects of the *summum bonum*, in which such individuals can therefore take an interest and find some satisfaction. Pistorius therefore argues that his method rather than Kant's will result in a conception of the good that is better able to explain what (as we have seen) Kant himself struggles to explain in the *Groundwork*, namely our 'interest' in morality, and how this relates to our well-being as agents.

Now, as I understand Kant's strategy in responding to Pistorius in Chapter II of the *Analytic*, his approach is to agree with Pistorius that by trying to think about the good prior to determining any moral principles concerning what is right and wrong, the conception of the good that will emerge is precisely going to be one that sees the good in terms of happiness and well-being; but, far from that being an advantage for Pistorius's proposal (as he himself supposes), it in fact shows what is *wrong* with it, as the resulting outcome is a distortion in our moral thinking – or so Kant maintains.

Kant thus begins the chapter by characterising the position taken by Pistorius, and tracing out what he takes to be its consequences:

If the concept of the good is not to be derived from an antecedent practical law but, instead, is to serve as its basis, it can be only the concept of something whose existence promises pleasure and thus determines the causality of the subject, that is, the faculty of desire, to produce it. Now because it is impossible to see a priori which representations will be accompanied with *pleasure* and which with *displeasure*,

it would be up to experience alone to make out what is immediately good or evil.⁷⁸

Kant's claim, then, is that his opponent will end up conceiving of the good as pleasure, and that therefore his position will then have to rely on experience to determine what is good and bad and hence right and wrong, because it is experience that tells us what brings pleasure and what does not.

In response, Kant argues that goodness as well-being and *moral* goodness are clearly distinct notions, although in languages that fail to have words to mark this distinction (such as Latin, which has *bonum* for both) there may be a resulting confusion on this point.⁷⁹ And he argues that reason rather than desire forms the basis for our moral judgements, but if goodness were pleasure or well-being, then reason would be reduced to a merely instrumental role, while what is good would always be a conditional judgement, based on how people happened to be affected.⁸⁰

Now, it is precisely at this point that Kant brings up 'the paradox of method in a *Critique of Practical Reason*', in terms that echo those used in the Preface and which were quoted by Rawls: 'namely, *that the concept of good and evil must not be determined before the moral law (for which, as it would seem, this concept would have to be made the basis) but only (as was done here) after it and by means of it*'.⁸¹ Kant clearly thinks he has shown why, after all, it was worth adopting this 'paradoxical' method of first trying to identify the principles that make up the moral law, and only then attempting to form a conception of good and evil – for otherwise we will end up making Pistorius's mistake of arriving at an ethics that is too eudaimonistic and empiricist. And, Kant claims, because most moral theorists *have* in fact proceeded in Pistorius's way (even 'rationalist' ones), this has also led them to a heteronomous conception of ethics in Kant's sense, because the individual has been seen as drawn towards the good and hence moral action more by his inclinations than by reason.⁸²

⁷⁸ *CPrR* 5:58 (p. 186). ⁷⁹ *CPrR* 5:58–62 (pp. 187–90).

⁸⁰ *CPrR* 5:62 (p. 190). ⁸¹ *CPrR* 5:62–3 (p. 190).

⁸² *CPrR* 5:64–5 (pp. 191–2): 'Now, whether they placed this object of pleasure, which was to yield the supreme concept of good, in happiness, in perfection, in moral feeling, or in the will of God, their principle was in every case heteronomy and they had to come unavoidably upon empirical conditions for a moral law, since they could call their object, as the immediate determining ground of the will, good or evil only by its immediate relation to feeling, which is always empirical. Only a formal law, that is,

We have seen, then, how it is that Pistorius's objection to the *Groundwork* shapes Kant's discussion here, where that objection relates to the *method of inquiry* into what the principles of morality are, and whether one should conduct that inquiry by beginning from a conception of the good. In defending his alternative procedure, Kant is claiming that Pistorius's strategy (despite its undoubted plausibility) means that the conception of the good with which one starts will then inevitably be a eudaimonistic conception, so that then only a distorted account of the principles can be the result. As Kant writes:

[S]ince this concept [of the good] had no practical a priori law for its standard, the criterion of good or evil could be placed in nothing other than the agreement of the object with our feeling of pleasure or displeasure, and the use of reason could only consist partly in determining this pleasure or displeasure in connection with all the feelings of my existence and partly in determining the means for providing myself with the object of such feelings.⁸³

Now, when seen in this light, it should therefore be clear that Kant's claim is that is a mistaken *method of inquiry* that leads to error here and which he therefore rejects, not a mistaken meta-ethical position. The difficulty arises, that is, because the theorist sets out to think about moral principles by beginning from a conception of the good that is as yet unconstrained by any such principles, and so is inevitably insufficiently 'moralised' (as it were). But this is no part of the realist's position, in claiming that a principle like the Formula of Humanity must have some value underlying it as what grounds its validity; for *this* good is not the good of well-being, and may well be one that could only be seen to *be* a good by someone who first identifies the Formula of Humanity as a moral principle, and then asks what value could make it so.

Indeed, something very like this latter view is something we could plausibly attribute to Kant himself, in a way that shows there to be

one that prescribes to reason nothing more than the form of its universal lawgiving as the supreme condition of maxims, can be a priori a determining ground of practical reason. The ancients revealed this error openly by directing their moral investigation entirely to the determination of the concept of the *highest good* ... The moderns, with whom the question of the highest good seems to have gone out of use or at least to have become a secondary matter, hide the above error (as in many other cases) behind indeterminate words; but one can still see it showing through their systems, since it always reveals heteronomy of practical reason, from which an a priori moral law commanding universally can never arise'. For a further discussion of the accuracy of Kant's criticism of 'the ancients' here, see Engstrom 1996.

⁸³ *CPPr* 5:63 (p. 191).

no great change of outlook between the *Groundwork* and the *Critique of Practical Reason*. That is, in the *Groundwork*, on this account, Kant identifies the value that underlies the Formula of Humanity but in a way that proceeds in accordance with his method of beginning his inquiry by attempting to identify such principles without starting out from any 'pre-moral' conception of value; and then in the *Critique of Practical Reason*, in the face of Pistorius's accusation that this method gets things back to front, and so ends up with a misconception of how moral principles relate to the good, Kant here defends himself. This reading of this chapter from the second *Critique*, therefore, not only shows how Kant can here be read as a value realist, but also shows how this later work can therefore be made compatible with the elements of value realism which even some constructivists recognise are present in that earlier text.

Conclusion

In this chapter, I have attempted to set out the 'standard story' of the history of modern ethics as a rejection of value realism on the basis of heteronomy, where Kant is seen as the starting point for this narrative. I have argued, however, that it is in fact harder than this story supposes to identify any such concern in Kant's work, and so it is wrong to see him as subscribing to the kind of argument from autonomy put forward in his name by contemporary constructivists. I will now go on to show, in the next chapter, that Kant's concerns were more narrowly focused on *the problem of moral obligation*, and thus how the *obligatoriness* of morality could be accounted for without heteronomy, where seeing things in this light will give a different trajectory to the story to be told about ethics after Kant.

THE ARGUMENT FROM AUTONOMY AND THE PROBLEM OF MORAL OBLIGATION

In the previous chapter, we presented reasons for thinking that Kant did not intend to offer an argument from autonomy against value realism, so that the standard story of the history of modern ethics that begins from this assumption is misleading; that history will therefore be retold in later parts of the book. As a new starting point for that retelling, in this chapter I will suggest that the concerns about autonomy which take Kant in an anti-realist direction are raised not by the realist conceptions of value, but by accounts of the nature of *moral obligation*, particularly those divine command accounts which understand that obligatoriness in terms of God's will. I will claim, therefore, that it is against this target, and not moral realism, that Kant's argument from autonomy should be conceived. I will suggest that when viewed in this way, the argument itself can be made more plausible, and also better fits the textual evidence in Kant; in later chapters we will then see how Kant's own account of obligation works, and how this account was challenged by his successors, showing how Kant's legacy is different from the one standardly proposed.

The problem of moral obligation

As we saw in the previous chapter, one difficulty constructivist interpreters have had in attributing the argument from autonomy to Kant is in finding a way to make it compelling as a critique of value realism: why, if there is such an 'independent order of value' (in Rawls's phrase), should this thereby render us heteronomous? We saw how Rawls says remarkably little to spell out this worry, while attempts to do so by others in Kant's name seemed to be unsuccessful, both philosophically and interpretatively.

However, if we turn from the issue of value to the issue of the apparently obligatory nature of morality, worries about heteronomy seem to arise much more easily and plausibly. For it is widely held that morality is a matter of obligation, and to that extent a matter of laws or principles or duties that *bind* or *command* us, with a special kind of *imperative force*. But then, it may appear natural to think that any such system of laws or principles will require a *legislator* to account for this, so that morality can only come about as a result of some act of legislation that the legislator undertakes – thus, as Korsgaard has put this view, ‘Obligation must come from law, and law from the will of a legislating sovereign; morality only comes into the world when laws are made’.¹ It may then seem, however, that we are left with only two options: either morality is legislated by *us*, or by some *other* sovereign authority, such as God. Now, if we opt for the second alternative, concerns about autonomy can then arise very naturally: for it will now appear that in following the dictates of morality as these are laid down independently of us, we are following the directives of *another* will with commanding authority over us, as the institutor of the moral law. Faced with this alternative, the first option can seem to be the only way of preserving our autonomy, where *we* become the legislators of the moral law ourselves. Thus, taken in this form, as directed against divine command theories of moral obligation, it is much easier to give an argument from autonomy some real intuitive bite, whether or not it turns out to be ultimately compelling.²

Now, in what follows we will explore the way in which this might provide a better context for understanding Kant’s own concerns, and thus a more convincing account of his argument from autonomy. The claim will be that Kant’s position is not to be understood precisely along the lines sketched above, as his worry about autonomy arises somewhat differently; nonetheless, this provides a better approximation to Kant’s position than the argument considered in the previous chapter, in terms of its target and motivations. We will also explore the way in which Kant’s resulting position then differs from that attributed to him

¹ Korsgaard 1996c: 23. Cf. also Anscombe’s discussion of the ‘special moral sense’ of ‘ought’ and its connection with the ‘law conception of ethics’ in Anscombe 1958.

² Cf. Nowell-Smith 1961: 13–14: ‘The idea of heteronomy is also strongly marked in Christian morality. “Not as I will, but as thou wilt.” The demand made by Christianity is that of surrendering self, not in the ordinary sense of being unselfish, of loving our neighbour and even our enemy. It is the total surrender of the *will* that is required’. Proponents of divine command theories have often taken on the task of responding to Nowell-Smith’s objection: see e.g. Adams 1979a; Mouw 1990: 10–21; Hare 2009: 267. See Conclusion for further discussion of this issue.

by the constructivist, once it is shown that Kant's aim was not to avoid value realism, but rather divine command accounts of obligation.

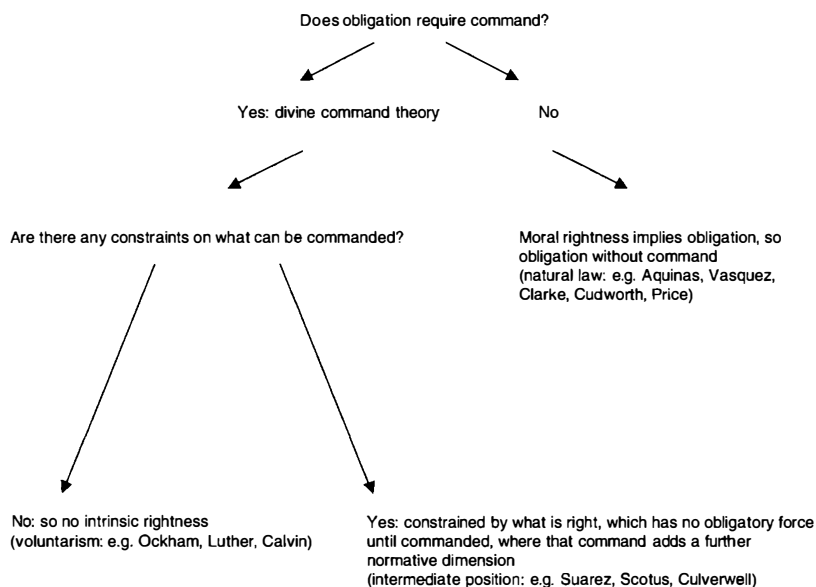
We will consider what I take Kant's alternative account of obligation to be in the next chapter. In this chapter, I will lay out the context for that account, and show how Kant came to see the problem of moral obligation relating to the issue of autonomy. I will also consider an important challenge to what I say about this, based on the thought that my treatment of Kant on this question overlooks or ignores the place of theology and God in his ethics. The challenge is that when this is properly appreciated, it shows that Kant would not have subscribed to anything like the argument from autonomy outlined above, so that in this case I am no better off than the constructivist in giving that argument a genuine place in Kant's ethics.

Approaches to the problem of moral obligation

Interest in the nature of moral obligation itself, of course, is in no way original to Kant, and has a considerable history, leading to a wide variety of approaches. As it arose within medieval Christian thought onwards, the central issue raised by the apparent obligatoriness of morality concerned whether this had to depend on the authority of some divine commander or sovereign, and whether or not that authority had the freedom and power to make *any* act obligatory by so commanding (as the voluntarists claimed), or whether it was limited in what it could legitimately command by the prior rightness of certain actions or principles. Thus, on some alternative accounts, the idea was that morality constituted a 'natural law' in which God played a more indirect role, where an act is made right and hence obligatory because it conforms to the nature of things, and where God is the source of that nature as creator, but not the source of obligatoriness as commander.³ And there

³ Cf. Haakonssen 1996: 6: 'At issue was the old problem of whether natural law had moral force for humanity solely because it was God's will or whether in addition it has independent moral authority with us. Few disputed that natural law *existed* because of God's will; the question was rather whether or not there were moral values shared by God and humanity which entailed the moral obligations of natural law independently of our regard for God's willing this to be so'. Cf. also Haldane 1991: 137: 'It is important to appreciate that in the foregoing [natural law] account the role of God in relation to the moral law is an indirect one. An action is good because fitting, given the nature of things – a nature owing to God's design and manufacture. But according to the second view mentioned above [i.e. voluntarism], God's role is wholly direct, for the natural law is nothing other than a body of legislation willed into existence by God for the governance of human affairs. And this law need have no relation to the design of the created

were also what have been called ‘intermediate’ positions⁴ that held that what is right becomes an obligation through God’s command that it be done (hence opposing some in the natural law tradition), but that rightness itself is prior to and independent of obligation and hence of God’s will (hence opposing voluntarists). Moreover, on this view, in being commanded God adds a new moral dimension to what was there before (so, for example, because it violates God’s will, telling lies is not merely bad or wrong, but sinful or sacrilegious). We might therefore represent the basic alternatives here as follows, along with some of their representative proponents:⁵



world’; and Finnis 2002: 34: ‘[W]hen Aquinas, following Augustine, says that the natural moral law (and thus all just human, positive law) has its obligatoriness “from the eternal law” he is referring not to a divine command but rather to the intelligibility, goodness, beauty, and rational attractiveness of the great scheme of things chosen, in creating, by divine *wisdom*’.

⁴ Cf. Irwin 2004: 148, and 2008: 3–4. Irwin identifies this ‘intermediate’ position particularly with Suarez, who in his *Tractatus de Legibus ac Deo Legislatore* [On Law and God the Lawgiver], characterises his account of natural law as ‘a middle course’ because he holds that while the natural law is indicative of good and bad in itself, it is also *prescriptive*, in a way that in addition requires prohibitions by a divine superior to account for this (cf. Suarez 1612: Book II, Chapter VI, §5, p. 121/1944: 191).

⁵ Of course, such classifications are always a complex and disputable matter, so e.g. Aquinas might perhaps be placed by some in the ‘intermediate’ position (as indeed

In the debate between the proponents of these positions, five different aspects to the issue of moral obligation can be identified, which can be interrelated in a variety of ways:

- (1) **Motivational aspect:** In acting morally, it is widely held, we should not be motivated to act in a narrowly self-interested and prudential way, with a view to our own happiness or desire-satisfaction. One issue of dispute between natural law theorists and divine command theorists concerned which position best captured this aspect of what it is to follow a moral obligation. On the one hand, natural law theorists connected morality to the good, while divine command theorists connected it to respect or obedience or gratitude owed to a superior. The former may therefore appear worse off on this matter than the latter, in so far as the good here may be understood in terms of happiness and well-being, and thus merely as relating to the interests of the moral agent. On the other hand, it can be argued that the good appealed to by natural law theorists is not best conceived of in these hedonistic or egoistical terms, as the good in question may be said to break down any distinction between the agent's good and the good for others, and thus involve a significant altruistic dimension. At the same time, if the ground on which the divine will is said to exercise its authority over us is related too closely to his power to punish and reward, then the divine command account can appear to reduce morality to expediency in its own way, where if this authority is not so explained, then it may appear unclear how God's will can motivate us to be moral or give us any reason (unless it is somehow related to the good) why we should act morally.
- (2) **Normativity aspect:** It seems plausible to distinguish between the moral sense of ought and other senses, such as the 'advice' sense ('you ought to pay more into your pension'), or the sense it has in certain non-moral contexts ('you ought not to speak with your mouth full'; 'after three years in the post, you ought to now step down'). Morally obligatory acts therefore seem to have a different moral dimension from other actions, so that failing to do them

he is by Suarez), whilst others might deny that Scotus is a divine command theorist at all, while the voluntarism of figures such as Pufendorf and Hobbes can also be hard to classify. Given that I obviously lack the space to enter fully into such scholarly debates here, my placings are therefore best considered as indicative only: my main interest is in the 'conceptual map' itself, rather than defending accounts of where exactly to place particular philosophers upon it.

is *wrong* or *wicked* or *evil*, not merely foolish or impolite or unconstitutional. One area of dispute between divine command theorists and their opponents, therefore, is whether this normative dimension can be captured satisfactorily if the morally right is not thought of as being commanded by God – just as one might plausibly say that to conceive of an action as sinful and so wrong in this special sense is not really intelligible unless one relates this action to what God asks of us, and how his expectations have been disappointed. Thus, proponents of the ‘intermediate’ position such as Suarez argued that while there might be things that are good or even right for us to do without God commanding them, they could not have the normative dimension that is distinctive of morality unless this were so;⁶ on their part, by contrast, this was denied by natural law theorists such as Vasquez, who argued that no lawgiver is required in order to give certain actions the special normative character that belongs to the moral ‘ought’.⁷

- (3) Epistemological aspect: Another element of dispute was how far reason could be relied upon to give us guidance on moral matters, without depending on the assistance of any higher authority on such questions. It was characteristic of natural law theorists to be more optimistically rationalistic on this score; for many divine command theorists, by contrast, such reliance on our own reason was misguided, and instead it was argued that we must depend on

⁶ Cf. Suarez 1612: Book II, Chapter VI, §17, p. 126/1944: 202: ‘Therefore, my own [view] is that in any human act there dwells some goodness or evil, in view of its object, considered separately in so far as that object is in harmony or disharmony with right reason; and that, in its relation to right reason, such an act may be termed an evil, and a sin, and a source of guilt, in view of the considerations above mentioned, and apart from its relation to law, strictly speaking. In addition to this [objective goodness or wickedness], human actions possess a special good or wicked character in their relation to God, in cases which furthermore involve a divine law, whether prohibitory or preceptive; and in accordance with such laws, these acts may in a special sense be said to be sins or to involve guilt in the sight of God, by reason of the fact that they transgress a true law of God Himself. It was to this special form of wickedness that Paul [Romans 4:15] apparently referred in the term “transgression”, when he said: “For where there is no law, neither is there transgression”’.

⁷ Cf. Vasquez 1606: 150 c. 3 §22, p. 7: ‘[S]ome things are evils and sins from themselves in such a way that that this prohibition depends on no will, even the will of God’. For a more recent defence of this natural law position, which questions the role of any ‘acts of will’ in creating obligatoriness, see Finnis 1980, esp. Chapter XI. Finnis in fact interprets Vasquez as an opponent rather than an ally, and puts him close to Suarez on this matter: see pp. 44–6. But for a contrary and more plausible reading of Vasquez, see Pink 2004a and Irwin 2008: 6.

God to communicate such knowledge to us through the demands he makes of us, in a way that can then give us confidence that we are acting rightly. On the other hand, of course, questions could be raised about the reliability of the channels of this communication (such as the Bible or direct revelation), where it then seemed that the divine command theorist might have to rely on reason for its proper interpretation, so giving their position no obvious epistemic advantage over the natural law model.⁸

- (4) Phenomenological aspect: It has often been noted that it is characteristic of our *experience* of morality that we feel coerced or bound to act in accordance with it, and thus that it is *required* of us. It was then claimed by divine command theorists that this phenomenological feature of our moral lives could not be explained by appeal to our own reason, as this is a capacity for judgement and so holds no power over us, and even if it did, as this power comes from within, it is too easy for us to set aside and treat as nugatory; it must therefore come from the force exercised over us by another will.⁹ In response, natural law theorists argued that reason is not merely a capacity for making judgements, but can also give those judgements motivational effect, while claiming that obligation need not be experienced merely negatively as a power to which we must submit, but instead as a good towards which we are inevitably drawn.
- (5) Legislative aspect: In so far as all three positions connected moral obligation to the idea of law, they all in some sense connected it to the thought that it involved the taking away from the agent of his freedom to act otherwise, and thus such obligations could not be self-imposed but must come from an external will, where God was the obvious candidate to serve this role. However, as we have seen, in natural law theory that connection to God's will is indirect, related to his plans for the creation, while in voluntaristic and intermediate theories, it is more direct. The question raised for natural law theories, therefore, was whether this indirectness left it unclear how a loss of liberty was in fact involved, particularly when such laws related to the good of the individual concerned, who might then be expected to act spontaneously without any constraint at all, and thus without any obligation in this sense. But the

⁸ For an illuminating discussion of how this epistemological dispute played out in the work of Hobbes, Selden and Cumberland, see Parkin 1999, especially pp. 56–72.

⁹ For an account of Suarez that emphasises this phenomenological aspect, see Crosby 2004.

question raised for theories that saw this loss of liberty as coming about through the imposition of God's will, was how to distinguish such imposition from mere coercion and thus an illegitimate taking away of the agent's freedom, and how to explain the motivations involved in obeying this will without reducing them to mere fear or terror. Put simply, the problem may be seen as a dilemma: on the one hand, if a moral obligation asks us to do what we are already inclined to do, how can it be said to have a *binding force* on us, as we are going to do it anyway? But if it does bind us and so to some extent takes away our freedom, how can it do so in a way that is not then rendered objectionable?

Many of these issues will come up again for discussion in what follows. In the debate over them, the primary considerations until the modern period were theological, rather than a concern over autonomy and so whether this can be accommodated within a divine command theory. Thus, for example, voluntarists argued that their view best made room for God's omnipotence,¹⁰ while anti-voluntarists challenged them with rendering God's will empty and arbitrary. In a world where subordination to authority was commonplace, and our relation to God was naturally seen as hierarchical, it was scarcely surprising that issues of autonomy were slow to arise.

Nonetheless, those who rejected the divine command model did see that it had important implications in the account it offered of the will and moral motivation, of a broadly anti-rationalist kind. Thus, it was argued that such models assume that the obligatory force of morality is based on the threat of punishment or the promise of reward as instituted by God, where it is this that makes an action compulsory for us; but critics argued that this view of obligation demeaned the moral 'must' while also debasing us in relation to it. It was argued instead that obligations can obtain without any need of sanctions or incentives in this way, and that we can grasp the obligatory force of morality in its own right, and so without the need for a divine commander. Thus, for example, Samuel Clarke argues that while 'the sanction of rewards and punishments' may be 'absolutely necessary to the government of frail and fallible creatures, and truly the most effective means of keeping them in their duty', nonetheless this 'is yet really in itself only a secondary and additional obligation or enforcement of the first' or 'original'

¹⁰ As Idziak notes, however, one should be careful not to exaggerate this issue, at least among the scholastics: see Idziak (1979): 10–13.

obligation, which is 'the eternal reason of things'.¹¹ Clarke therefore concludes: 'Further yet: as this law of nature is infinitely superior to all authority of men and independent upon it; so its obligation, primarily and originally, is antecedent also even to this consideration, of its being the positive will or command of God himself'.¹² While not yet an argument from autonomy, Clarke is clearly concerned here to avoid a picture of the will where sanctions are always supposed to be required in order for morality to be made obligatory for us, rather than our being able to find it obligatory on its own.

Similar issues arise in Leibniz's brief critique of Pufendorf, which was originally written in the form of a letter in 1706, but which became well known in the early eighteenth century through Jean Barbeyrac's translation and response to it, which Barbeyrac appended to his translation into French of Pufendorf's *De officio hominis et civis juxta legem naturalem* [On the Duty of Man and Citizen According to Natural Law] and published in 1718.¹³ Pufendorf's position itself is quite hard to classify, and while often seen as voluntarist, this voluntarism is moderated in various ways that move it somewhat closer to a more intermediate position such as Suarez's – an ambiguity that Barbeyrac exploits in his reply to Leibniz's criticisms, which tends to emphasise these more moderate elements. At the centre of Leibniz's critique are concerns about the arbitrariness of God's will on Pufendorf's position, and also that if we allow Pufendorf to define law 'as a command by which the superior obliges the subject to conform his action to what the law itself prescribes',¹⁴ then 'no one will do his duty spontaneously'.¹⁵ Leibniz's own position is close to the natural law tradition, so he argues that 'reasons restrain even by themselves',¹⁶ without the need of fear: 'To

¹¹ Clarke 1711: 54/2003: 301. Cf. also Clarke 1711: 89/2003: 307: 'Lastly, this law of nature has its full obligatory power, antecedent to all considerations of any particular private and personal reward or punishment, annexed either by natural consequence or by positive appointment to the observance or neglect of it. This is also very evident, because, if good and evil, right and wrong, fitness and unfitness of being practiced, be (as has been shown originally) eternally and necessarily in the nature of the things themselves, 'tis plain that the view of particular rewards or punishments, which is only an after-consideration and does not at all alter the nature of things, cannot be the original cause of the obligation of the law, but is only an additional weight to enforce the practice of what men were before obliged to by right reason'.

¹² Clarke 1711: 86/2003: 306. ¹³ See Leibniz 1706.

¹⁴ Pufendorf 1673: Book 1, Chapter 11, §2, p. 12, as quoted in Leibniz 1706: 279/1988b: 70. In Pufendorf 1991: 27 this is translated as 'Law is a decree by which a superior obliges one who is subject to him to conform his actions to the superior's prescript [*praescriptum*]'.
¹⁵ Leibniz 1706: 279/1988b: 70. ¹⁶ Leibniz 1706: 282/1988b: 74.

such a degree is it repugnant to reason to say that only the law or constraint make a man just'.¹⁷ As with Clarke, therefore, the issue was whether the divine command account could properly accommodate our motivation to be moral, without distorting this into a purely prudential matter.

Likewise, as Schneewind has noted, in his *Theodicy* Leibniz protests explicitly against voluntarists such as Hobbes and William King, fearing that this position puts us in a relation of obedience to God, rather than love.¹⁸ He thus sets out 'to banish from men the false ideas that represent God to them as an absolute prince employing a despotic power, unfitted to be loved and unworthy of being loved'.¹⁹ As Schneewind has also noted, similar concerns had been raised previously by the Cambridge Platonists, where 'John Smith contrasted the "servility" required by voluntarism with the "freedom and liberty of soul within us" that comes from a "right knowledge of God"'.²⁰

As well as these historical debates on the issue of obligation, controversy shaped by them was also reflected in the philosophical disputes of Kant's own period and milieu, particularly in the work of Christian August Crusius, Christian Wolff, and Alexander Gottlieb Baumgarten, and their followers.²¹ Crusius defended a voluntarist position, according to which 'just this necessary will of God is the ground of the morally good, from which we see that the morally good, like all other goods, has its grounds in a will'.²² He also saw obligation as arising out of obedience to God, to whom we are indebted: 'A law is a universal will of a more powerful being who does not have another more powerful being over him, through which an indebtedness springing from this will is imposed on those subordinate to him to do or omit something'.²³ Crusius was here in part reacting against the influential

¹⁷ Leibniz 1706: 280/1988b: 72.

¹⁸ See Schneewind 1996b: 26–7/2010: 204–5.

¹⁹ Leibniz 1710: Part I, §6, p. 106/1998: 127.

²⁰ Schneewind 1996b: 27/2010: 205, where Schneewind is citing from Smith 1859: 28. For a statement of Smith's antivoluntaristic rationalism, see p. 137: 'We must not conceive God to be the freest agent, because He can do and prescribe what He pleaseth, and so set up an absolute will which shall make both law and reason, as some imagine'. Cf. also Schneewind 2000: 214/2010: 225–6.

²¹ For a classic discussion of this background to Kant's ethics, see Schmucker 1961. For a more recent study, see Schwaiger 2009.

²² Crusius 1767: §173, p. 248/2003: 579.

²³ Crusius 1767: §165, p. 238/2003: 578. Cf. Kant, *LE* 27:262 (p. 55): 'Crusius believes that all obligation is related to the will of another. So in his view all obligation would

position proposed by Wolff. While Wolff began as a voluntarist under the sway of Pufendorf, he was led by Leibniz's critique of the latter to abandon the position, and to adopt instead a more perfectionist account that was therefore closer to a natural law theory, according to which 'human acts are good or evil, or better or worse, before one can say that God wills or does not will them'.²⁴ Wolff therefore gave a rather minimal place to God within his account,²⁵ according to which the natural law is also divine not because God stands over us as a commanding authority, but because he is the author of the world and has structured things in such a way that we are motivated to act rightly in pursuit of our perfection and that of others. For, Wolff held, '[t]o obligate someone to do or omit something is only to connect a motive of willing or not willing to it'.²⁶ Wolff can therefore say that '[i]n this way simultaneously, natural obligation is divine obligation, and the law of nature is a divine law', in the sense that God has 'connected the motives with the actions, and accordingly he obligates men to do what the law of nature requires'.²⁷ Thus, Wolff argues, 'Men of understanding and reason need no obligations beyond the natural'; and while some may require '[t]he servile fear of the force and might of a superior [to] restrain them from doing what they would like to do', to guide a person in this way 'through compulsion' is to treat him as an animal or beast [*Vieh*].²⁸ Finally, Baumgarten's approach is broadly similar to Wolff's. He therefore treats seeking perfection as one of the 'obligating propositions' of morality in so far as we are motivated by nature to follow it, making it a natural law in this sense;²⁹ but he also treats such propositions as divine laws, in so far as God is the creator of nature and thus their ultimate source, who can therefore be

be a necessitation *per arbitrium alterius* [by the choice of another]. It may indeed seem that in obligation we are necessitated *per arbitrium alterius*; but in fact I am necessitated by an *arbitrium internum*, not *externum*'.

²⁴ Wolff 1733: §35, p. 27.

²⁵ Cf. Wolff 1733: §38, pp. 28–9/2003: 337: 'Because a reasonable man is a law unto himself and, besides natural obligation, needs no other, neither rewards nor punishments are, for him, motives to do good acts and avoid bad ones. So the reasonable man does good acts because they are good and does not do wicked ones because they are wicked. In this case he becomes like God, who has no superior who can obligate him to do what is good or not do what is wicked, but does the one and not the other simply because of the perfection of his nature'.

²⁶ Wolff 1733: §8, p.8/2003: 335. ²⁷ Wolff 1733: §28, p. 20/2003: 337.

²⁸ Foreword to the second edition (which has no page numbers) of Wolff 1736/2003: 334.

²⁹ Cf. Baumgarten 1760: §39, p. 17; §70, p. 34/Kant 1900–: 19:23 and 19:34–5.

called their legislator.³⁰ In his lectures on moral philosophy, Kant was to use Baumgarten's main works on ethics as his textbooks, including the *Initia philosophiae practicae primae* [Introduction to Practical First Philosophy], in which discussions of obligation are central.³¹

Given this background, then, it is unsurprising to find that one of the most significant issues in Kant's ethics is how to account for obligation and the imperatival force of morality. As we have already seen, Kant fears that unless certain fundamental questions of this sort can be answered, we may come to think of morality as a 'phantom' or as 'chimerical': so as well as seeking to explain the interest that we take in moral action, and the freedom of the will that this action involves, Kant therefore also feels the need to explain how moral obligation is possible. Thus, just as in the theoretical case, where Kant is concerned that worries about metaphysical necessity might lead us (as it did Hume) into doubting that there is any synthetic a priori knowledge, so in the practical case, Kant is concerned that doubts about the necessity of the moral 'must' might lead us into doubt concerning the moral law. As Kant puts it: 'This question does not inquire how the performance of the action that the imperative commands can be thought, but only how *the necessitation of the will*, which the imperative expresses in the problem, can be thought [or conceived, or made sense of: *gedacht*]'.³² If the 'must' in 'you must not tell lies' is not explained, therefore, this can leave us wondering how there can be any such necessity³³ – just as in the case of metaphysical necessity, we can be left wondering how it can be the case that every event *must* have a cause.

³⁰ Cf. Baumgarten 1760: §100, pp. 61–2/Kant 1900– : 19:48: 'The author of the obligation announced by the law is said to declare that law, and he who has the right to declare the laws is said, in an extended sense, to be a legislator, and he is the legislator of that law which he has declared. Now God is the author of the nature of the universe, and of all realities that come to pass, and moreover all natural obligations are something real and positive, and have sufficient reason in the same. Therefore God is the author of obligation, and thence also of the natural law. Since with respect to which things he has the highest right, he is called, broadly, the legislator of the natural law and the whole natural law'.

³¹ For an edition of Kant's lectures that sets out their relation to Baumgarten very clearly, see Kant 2004.

³² *GMM* 4:417 (pp. 69–70), my emphasis.

³³ Cf. Garner 1990: 141 and 143: 'How could *any* feature of something outside us make it the case that we are objectively required to do something? ... It is the peculiar combination of objectivity and prescriptivity...that makes moral facts and properties queer ... It is hard to believe in objective prescriptivity because it is hard to make sense of a demand without a demander, and hard to find a place for demands or demanders

Kant, divine command theories, and the argument from autonomy

Now, as we have seen, one way to account for this necessitation is to adopt a divine command theory of morality, which grounds the obligatory force of the ethical demand in the superior power and authority of a divine legislator. And we have also seen how objections were raised to such accounts on broadly theological grounds, particularly when such theories took a voluntaristic form. For Kant, however, the problem with solving the question of obligation in this way is not primarily theological, but is closer to the concerns of someone like Clarke: namely, that an account of obligation which takes this route will end up explaining obligation in terms of sanctions. Kant then adds a new dimension to this worry by relating it to his conception of autonomy, in arguing that to understand obligation along these lines is to make acting under it heteronomous; for the obligatory force of morality is then seen to rest in the threat of punishment or the hope of reward, so that the will is thereby governed by the workings of our desires and interests, to which reason is then subordinated. We can therefore find an argument from autonomy in Kant, but one that is directed not at value realism, but at the divine command model of obligation. At the same time, because it employs Kant's distinctive understanding of the autonomy/heteronomy distinction, it differs from the simpler argument from autonomy sketched at the beginning of this chapter.

Kant's position can be seen most clearly in the discussion at the end of Section II of the *Groundwork*, which we have already considered. As discussed previously, Kant here differentiates between autonomy and heteronomy, where this difference turns on whether reason or desire is the primary determinant of the will: that is, whether reason merely 'serves' our inclinations in a subordinate role (resulting in heteronomy), or rather 'commands' the will in its own right (resulting in autonomy). Now, the purpose of the first two sections of the *Groundwork* that lead up to Kant's introduction of this distinction is to identify the 'supreme principle of morality',³⁴ where Kant has argued that the best

apart from human interests and conventions. We know what it is for our friends, our job, and our projects to make demands on us, but we do not know what it is for *reality* to do so'. Garner is of course here explicating one aspect of J. L. Mackie's famous 'argument from queerness' (cf. Mackie 1977, especially pp. 38–42).

³⁴ Cf. *GMM* 4:392 (p. 47): 'The present groundwork is, however, nothing more than the search for and establishment of the *supreme principle of morality*', where the 'search' is conducted in Sections I and II, and its 'establishment' in Section III.

candidate for this principle is the Formula of Universal Law, and the related formulae. Then, at the end of Section II,³⁵ he attempts to use his autonomy/heteronomy distinction to diagnose where previous theorists who have searched for this 'supreme principle' have gone wrong; and his diagnosis is that they have done so because they have treated the will in terms that are heteronomous rather than autonomous. This has had the result, Kant argues, that they have produced moral principles that relate to our desires and interests as their 'object', rendering them material and not formal and hence hypothetical and not categorical, where the latter is required if they are to fit with our conception of what it is for something to be a duty.³⁶

Kant makes clear his diagnostic ambitions here in the following passage:

If we look back upon all previous efforts that have ever been made to discover the principle of morality, we need not wonder now why all of them had to fail. It was seen that the human being is bound to laws by his duty, but it never occurred to them that he is subject *only to laws given by himself but still universal* and that he is bound only to act in conformity with his own will, which, however, in accordance with nature's end is a will giving universal law. For, if one thought of him only as subject to a law (whatever it may be), this law had to carry with it some interest by way of attraction or constraint, since it did not as a law arise from *his* will; in order to conform with the law, his will has instead to be constrained by *something else* to act in a certain way. By this quite necessary consequence, however, all the labor to find a supreme ground of duty was irretrievably lost. For, one never arrived at duty but instead at the necessity of an action from a certain interest. This might be one's own or another's interest. But then the imperative had to turn out always conditional and could not be fit for a moral command. I will therefore call this basic principle the principle of the **autonomy** of the will in contrast with every other, which I accordingly count as **heteronomy**.³⁷

These diagnostic ambitions are also evident in the titles of the final sub-sections of Section II: 'Heteronomy of the Will as the Source of all Spurious Principles of Morality',³⁸ and 'Division of all Possible Principles of Morality Taken from Heteronomy as the Basic Concept'.³⁹

³⁵ Related discussions can be found at *CPrR* 5:40–2 (pp. 172–3), and at various points in his lectures on ethics (see e.g. *LE* 29:621–9 (pp. 239–46)).

³⁶ For a helpful general discussion of Kant's position here, see Kerstein 2002, especially Chapter 7.

³⁷ *GMM* 4:432–3 (pp. 82–3).

³⁸ *GMM* 4:441 (p. 89). ³⁹ *GMM* 4:441 (p. 90).

As these subtitles make clear, Kant thinks that once one begins from a heteronomous conception of the will, this then acts as a 'source' for the concoction of 'spurious' principles of morality, where he believes that he can show systematically the kind of wrong-headed principles that will arise as a result. Thus, Kant claims, until a new conception of the will emerged out of his own critical philosophy, moral theorising concerning the fundamental moral principle was bound to take the wrong path: 'Here, as everywhere else, human reason in its pure use, as long as it lacks a critique, first tries all possible wrong ways before it succeeds in finding the only true way'.⁴⁰

Now, it is in this context that Kant brings up divine command theories of morality, claiming that they too conceive of the will in heteronomous terms, along with the other theories he mentions here, such as moral sense theories and perfectionism. Moreover, Kant also claims that these divine command theories are significantly worse than these other two positions, because while all three are heteronomous, these at least do not 'infringe morality'⁴¹ in the way that (he claims) divine command theories do. We need to see, therefore, what it is about the 'theological concept' of morality which shows it to have been 'taken from heteronomy', and also what makes it potentially 'anti-moral'.

This theological position, Kant argues, attempts to derive morality from a 'divine, all-perfect will', and so makes conforming to this will into its principle ('do what God commands'). However, Kant claims, it then faces a dilemma. On the one hand, we could then see our moral duties as arising from God's perfection and hence the rightness of what he wills, in which case the appeal to his willing plays no explanatory role in grounding those duties;⁴² and the accompanying supreme principle would then collapse into telling us to do what is right, in a way that is unhelpful and empty.⁴³ On the other hand, we could see

⁴⁰ *GMM* 4:441 (p. 90). ⁴¹ *GMM* 4:443 (p. 91; translation modified).

⁴² Cf. *LE* 27:9 (pp. 5–6): 'Supposing the *arbitrium* [choice] of God to be known to me, where is the necessity that I should do it, if I have not already derived the obligation from the nature of the case? God wills it – why should I? He will punish me; in that case it is injurious, but not in itself wicked; that is how we obey a despot; in that case the act is no sin, in the strict sense, but politically imprudent; and why does God will it? Why does He punish it? Because I am obligated to do it, not because He has the power to punish. The very application of the *arbitrium divinum* to the *factum*, as a ground, presupposes the concept of obligation'. Cf. also *LE* 27:1426 (p. 69).

⁴³ Cf. Kant's remarks in his lectures on Baumgarten's principle *Fac bonum et omitte malum* [Do good and omit evil]: 'Do what is morally good. But in that case there ought to have been another rule, to tell us what moral goodness consists in' (*LE* 27:264 (p. 57)).

our duties as arising from God's will once his moral qualities are set to one side. But then, Kant argues, 'the concept of his will still left to us' would be 'made up of the attributes of desire for glory and dominion combined with dreadful representations of power and vengeance', and so would then be 'the foundation for a system of morals that would be directly opposed to morality'.⁴⁴

Now, it is important to recognise that in what he says about the 'theological concept' here, Kant is criticising this position at two levels. The first and most general one is that like all the other theories discussed in this sub-section of the *Groundwork*, it is heteronomous. For on this account, what would make morality obligatory would not lie in its rightness, but in the absolute and supreme power over us of the divine commander; and this would then render our relation to morality heteronomous, as our 'interest' in so acting would be to avoid punishment and to gain reward, and not in the rightness of our duty as such.⁴⁵ We can see, then, how the 'theological concept' of morality fits the general pattern that Kant claims to identify in all the positions he discusses here, of thinking of us 'as subject to a law (whatever it may be)', where as a result 'this law had to carry with it some interest by way of attraction or constraint', an interest that in the divine command case comes from our relation to an all-powerful God.

⁴⁴ *GMM* 4:443 (p. 91). Cf. also *LE* 27:10 (p. 6): 'The quarrel between reformers and Lutherans over *arbitrium divinum* and *decretus absolutus* [absolute decree] is based on the fact that even in God, morality must exist; and every conception of the divine *arbitrium* itself vanishes, if morality is not presupposed ... How dreadful, though, is a God without morality. The *jus naturae divinum*, and even *positivum*, vanishes, if there be no morality as ground of the relation and conformity of my *arbitrium* and that of God. Without the prior assumption of obligation, punishments come to nothing; what God displays is merely ill-will; the physical consequences I can avoid, and thus the action is no longer a transgression. Morality is more general than the *arbitrium divinum*'. Cf. Leibniz 1706: 280/1988b: 71: 'Justice, indeed, would not be an essential attribute of God, if he himself established justice and law by his free will'.

⁴⁵ Cf. *LE* 27:307 (p. 96): 'If we imagine a religion prior to all morality, it would still have to have a relation to God, and then it would amount to this, that I picture God as a mighty lord who would need to be placated'. Cf. also *LE* 29:627–8 (pp. 244–5): 'People think that morality should not take precedence over the divine will, so that I cannot say that God tells us to perform actions because they are duties; they are duties, rather, because God tells us to do them. But in that case the moral laws would be arbitrary, and we should not perceive the slightest necessity in them. They would be *statuta*, having no power to bind on their own account, but acquiring it through the will of another ... [But] If actions are not grounded upon duty, the cause of their performance must be the authority of the overlord; yet that is not moral, but merely legal. Actions, in that case, will be based upon fear and hope. A created law is called *sanctio* [decree]. Moral laws as *sanctiones* seem at first to be very desirable for morality; but if religion is made prior to

But, in addition, Kant is here also making a narrower point, which is to claim that the 'theological concept' is significantly *worse* than perfectionism (which is the alternative rationalist position), even though both involve heteronomy; for, he argues, the theological position can result in a kind of anti-morality, by attempting to ground morality in a conception of God's will that is *prior* to and hence distinct from morality itself, leaving nothing but 'attributes of desire for glory and dominion combined with dreadful representations of power and vengefulness' to serve as its basis, with dire results for its ethical principles. So, Kant is also arguing here, while perfectionism is no better than the 'theological concept' at serving 'to support [morality] as its foundation'⁴⁶ because it too involves a heteronomous conception of the will, it at least does not threaten to 'infringe morality', and so is at least to be preferred to that extent.

I have argued, therefore, that when it comes to Kant's more general critique of the 'theological concept' of morality, it is indeed right to claim that Kant has an argument from autonomy, but that the target for that argument is not value realism, but the divine command account of moral obligation.⁴⁷ This approach is to be preferred to the one adopted by the standard story, I have claimed, because it can be given clear textual support and also be made philosophically defensible, in a way that (I suggested in the previous chapter) the latter approach cannot.

The place of God in Kant's ethics

However, I now want to consider an important objection to my position, which is to suggest that my treatment of Kant's argument from autonomy

morality, the first principle becomes: Obey the divine will, and with that the whole of morality is destroyed'. And *LE* 27:262 (p. 56): 'If I do a thing because it is ordained or brings advantage, and omit a thing because it is forbidden or brings harm, that is not a moral disposition. But if I do it because it is absolutely good in itself, that is a moral disposition. So an action must be done, not because God wills it, but because it is righteous or good in itself; it is because of this that God wills it and demands it of us'.

⁴⁶ *GMM* 4:443 (p. 91).

⁴⁷ Cf. *Relig* 6:3 (p. 57): 'So far as morality is based on the conception of the human being as one who is free but who also, just because of that, binds himself through his reason to unconditional laws, it is in need neither of another being above him in order that he recognise his duty, nor, that he observe it, of an incentive other than the law itself'. And cf. also *TSP* 8:405 (p. 444), where Kant objects to conceiving of the commanding force of the moral law as something which 'proceeds from another being', rather than 'the absolute authority of [man's] own reason', and thus to 'personifying this law and making out of morally commanding reason a veiled Isis'.

has no greater textual support than the constructivist's, as Kant was no more opposed to divine command theory than he was to value realism, and that therefore my reading of this part of the *Groundwork* is mistaken. This interpretation of Kant as a divine command theorist concerning obligation, and this alternative view of the *Groundwork*, has been defended in a series of works by John E. Hare.⁴⁸ Hare's strategy is to cite a number of passages as evidence that Kant was a supporter of the divine command position, and so to argue that his target in the *Groundwork* cannot be this position in general, but a more specific form of it, where Hare proposes Crusius's extreme voluntarism as the most likely candidate. If Hare were correct, therefore, I would be wrong to claim that Kant had a divine command approach as the target for his argument from autonomy; indeed, Hare thinks autonomy is perfectly compatible with this approach, and suggests that his reading of Kant shows that Kant thought so as well.⁴⁹ Given what I have said above, therefore, it is important for me to consider Hare's alternative view in some detail.

We might begin, then, with Hare's claim that Kant himself was a divine command theorist of some kind. Hare offers a variety of evidence in support of this interpretation,⁵⁰ such as Kant's talk of duties as divine commands,⁵¹ and his remarks in the *Groundwork* itself about God being the head of the kingdom of ends.⁵² He also cites Kant's comments in one of his lectures on ethics, that '[o]ur conduct towards God is of three kinds. We may reverence, fear and love Him. We revere God as a holy law-giver, love Him as a benevolent ruler, and fear Him as a just judge'.⁵³ As Hare notes, Kant says similar-sounding things elsewhere; he argues, therefore, that '[b]ecause this is a sustained theme in Kant, we are better off regarding his attack in the *Groundwork* as directed not at divine-command theories in general, but at some specific variety',⁵⁴ where Crusius's position is his preferred candidate.

⁴⁸ See, for example, Hare 2000a, 2000b; 2001 especially pp. 87–119; and 2009 especially pp. 122–75. Because there is a good deal of overlap between the articles and books, I will only cite the latter in what follows. For a helpful discussion of the issues raised by Hare, see Kain 2005.

⁴⁹ Cf. Hare 2001: 114–9, and 2009: 268–9.

⁵⁰ See Hare 2001: 105, and 2009: 152–3.

⁵¹ *CPRA* 811/B839 (p. 680), *CPR* 5:129 (p. 244), and *Relig* 6:153 (p. 177).

⁵² *GMM* 4:433–4 (pp. 83–4).

⁵³ *LE* 27:322 (p. 107). (In Hare 2001, Hare refers to an older translation of Kant's lectures on ethics, and so gives this quotation in a slightly different form – see p. 105.)

⁵⁴ Hare 2009: 153. Cf. also Hare 2001: 105.

However, given the subtleties in Kant's attitude to religion, it is of course not possible just to take these comments at face value.⁵⁵ Kant's position is made particularly complex here by the distinction he draws between a view that treats religion as prior to morality, and one that treats it as morality's 'completion'.⁵⁶ Kant is clear in rejecting the former option, fearing that it will lead to a subsequent distortion of morality, as this religious basis will then itself be insufficiently 'moralised'.⁵⁷ By contrast, Kant is happy to conceive of religion as 'completing' morality

⁵⁵ I should perhaps emphasise here that I agree with Hare's insistence that it is a mistake to 'secularise' Kant's position, or to treat his conception of God as merely 'fictional' or hypothetical in some way (an 'as if'). See Hare 2001: 103–4. I do not take anything that I say below as 'weakening' Kant's theological commitments in this manner – although of course, as Hare would himself allow, none of those commitments can amount to established theoretical knowledge.

⁵⁶ Of relevance here too is Kant's related distinction between 'theological morality' and 'moral theology' respectively. See *CPR* A632/B660 note (p. 584).

⁵⁷ See *Relig* 6:183 (p. 201), where Kant argues that were a person to begin with 'the concept of a world ruler, who makes of this duty a commandment for us ... he would run the risk of dashing his courage (which is an essential component of virtue) and of transforming divine blessedness into a fawning slavish subjection to the commands of a despotic might'. As well as those cited above in note 45, see also the following passages: *CPR* A818–9/B846–7 (p. 684): 'For it was these [moral] laws alone whose inner practical necessity led us to the presupposition of a self-sufficient cause or a wise world-regent, in order to give effect to these laws, and hence we cannot in turn regard these as contingent and derived from a mere will, especially from a will of which we would have had no concept at all had we not formed it in accordance with those laws. So far as practical reason has the right to lead us, we will not hold actions to be obligatory because they are God's commands, but will rather regard them as divine commands because we are internally obligated to them'; *LE* 29:628 (p. 245): 'Religion is nothing else but morality and theology combined. Prior to morality, theology is not possible ... All religion, if morality is built upon it, rests on nothing but a currying of favours. If the law has been arbitrarily instituted by God, He can also, to be sure, dispense us from it'; *LE* 27:10 (p. 6): 'How dreadful, though, is a God without morality. The *jus naturae divinum*, and even *positivum*, vanishes, if there be no morality as ground of the relation and conformity of my *arbitrium* and that of God. Without the prior assumption of obligation, punishments come to nothing; what God displays is mere ill-will; the physical consequences I can avoid, and thus the action is no longer a transgression. Morality is more general than the *arbitrium divinum*'; *LE* 27:15 (p. 9): 'Should the Christian ethic be given priority over philosophical ethics, or *vice versa*? One must certainly be explained by the other as theoretical physics is explained from experimental physics; but the *natural* ethic must rightly be given priority'; *LE* 27:18 (p. 11), where Kant criticises 'our author' (i.e. Baumgarten) for having an incorrect method, 'since it begins from religion, whereas it ought to have started from morality, which then would be increasingly purified'; *LE* 27:166 (not translated): 'All ethics is chimerical ... which puts religion before morality'; *LR* 28:1002–3 (pp. 348–9): 'But *moral theology* is something wholly different from *theological morality*, namely, a morality in which the concept of obligation presupposes the concept of God. Such a theological morality has no principle; or if it does have one, this is nothing but the fact that the will

in important respects; as he puts it in his lectures on ethics: 'How does theology arise? If morality is expounded, the very concept of it brings us to belief in God'.⁵⁸

Kant thus argues that while morality cannot be grounded on religion, we would nonetheless find morality very hard to sustain and make sense of without combining it with a religious perspective, including a belief in God's existence, a belief that is then justified on practical grounds. Moreover, Kant argues, once this perspective has been taken up, it then becomes appropriate to think of God as a kind of commander. However, because we are not now using this conception of God to *ground* morality but to *complete* it, we should not think that in this role it is God who gives validity and obligatory force to the moral law which otherwise would lack it, as this would make religion prior to morality. As a result, then, our conception of God's place as commander or 'moral ruler of the world' must primarily be to act as the judge of those who transgress the law and as executor of it by making sure the law is followed, by ensuring that virtues are rewarded and the wicked punished, while our moral efforts are coordinated and we are given the help we need to act as morality requires.⁵⁹ Kant therefore gives God a clear judicial and executive function, which he thinks is

of God has been revealed and discovered. Morality, however, must not be grounded on theology, but must have in itself the principle which is to be the ground of our good conduct. Afterwards it can be combined with theology, and then our morality will obtain more incentives and a morally moving power'; *MM* 6:434 (pp. 596–7), where Kant also insisted on this order of priority when it comes to moral education, emphasising that the 'moral catechism' must come before the religious one, '[f]or otherwise the religion that [the pupil] afterwards professes will be nothing but hypocrisy; he will acknowledge duties out of fear and feign an interest in them that is not in his heart'.

⁵⁸ *LE* 27:306 (p. 96). Cf. also *LE* 27:715 (p. 438): 'Religion is thus founded on morality'. A similar emphasis can be found in the famous Preface to *Relig* (*Relig* 6:3–7, pp. 57–60).

⁵⁹ Cf. the following passages: *Relig* 6:139 (p. 165): 'Since by himself the human being cannot realise the idea of the supreme good inseparably bound up with the pure moral disposition, either with respect to the happiness which is part of that good or with respect to the union of the human beings necessary to the fulfillment of the end, and yet there is also in him the duty to promote this idea, he finds himself driven to believe in the cooperation or the management of a moral ruler of the world, through which alone this end is possible'; *Relig* 6:99 (pp. 133–4): 'There must therefore be someone other than the people whom we can declare the public lawgiver of an ethical community. But neither can ethical laws be thought of as proceeding *originally* merely from the will of this superior (as statutes that would not be binding without his prior sanction), for then they would not be ethical laws, and the duty commensurate with them would not be a free virtue but an externally enforceable legal duty'; *CP+R* 5:128–9 (pp. 243–4): 'The Christian doctrine of morals now supplements this lack (of the second indispensable component of the highest good) by representing the world in which rational beings devote themselves with their whole soul to the moral

required to 'complete' our picture of morality. Moreover, Kant allows, it is also legitimate to think that God's special concern to act as judge and executor in this way stems from the fact that these are *his* laws that he is upholding. Thus, the idea of God as lawgiver is also appropriate here, but again only in a way that conforms to the priority of morality over religion, which then qualifies this conception in certain crucial ways. Kant makes this point clear in the following passage from his lectures on ethics:

It is assumed, indeed, that the binding force of moral laws lies in the divine will, and God has been viewed as the moral legislator. But this cannot be construed to mean that the divine laws, and the binding

law as a *kingdom of God*, in which nature and morals come into a harmony, foreign to each of them of itself, through a holy author who makes the derived highest good possible ... Nevertheless, the Christian principle of *morals* itself is not theological (and so heteronomy); it is instead autonomy of pure practical reason by itself, since it does not make cognition of God and his will the basis of these laws but only of the attainment of the highest good subject to the condition of observing these laws, and since it places even the proper *incentive* to observing them not in the results wished for but in the representation of duty alone, faithful observance of which alone constitutes worthiness to acquire the latter'; *LE* 27:277–8 (p. 68): 'The cause of this derivation of morality from the divine will is as follows: Because moral laws run, Thou shalt not, it is supposed that there must be a third being, who has forbidden it. It is true that any moral law is an order, and they may be commands of the divine will, but they do not flow from such a command. God has commanded it because it is a moral law, and His will coincides with the moral law. It also seems that all obligation has a relation to one who obliges. In performance, to be sure, there must indeed be a third being, who constrains us to do what is morally good. But for the making of moral judgements we have no need of any third being. All moral laws can be correct without such a being. But in execution they would be empty if no third being could constrain us to them. It has therefore been rightly perceived that without a supreme judge all moral laws would be without effect, since in that case there would be no inner motive, no reward and no punishment. Hence the knowledge of God is needed in the execution of moral laws'; *LR* 28:1116–7 (p. 442): 'God's government of the world in accordance with moral principles is an assumption without which all morality would have to break down. For if morality cannot provide me with the prospect of satisfying my needs, then it cannot command anything of me either. Hence it is also necessary that God's will should not be made the principle of rational morality; for in this way we could never be sure what God had in mind for the world. How can I know by reason and speculation *what* God's will is, and what it consists in? Without morality to help me here, I would be on a slippery path, surrounded by mountains which afford me no prospect. How much danger I would be in of having my foot slip, or, because no clear horizon ever meets my eyes, of wandering lost in a labyrinth! The cognition of God must therefore complete morality, but it must not first determine whether something is morally good or a duty for me! This I must judge from the nature of things in accordance with a possible system of ends; and I must be just as certain of it as I am that a triangle has three angles. But in order to provide my heart with conviction, weight and emphasis, I have need of a God who will make me participate in happiness in accordance with these eternal and unchangeable laws, if I am worthy of it'.

force of the divine will, can be discerned and known no otherwise, than through the positive divine will; this is impossible. On the contrary, we must first have discerned through reason that the divine will is in accordance with the concept of a moral law, i.e., that it coincides with the universal laws of nature, before we acknowledge the universal will as a binding law and subject ourselves to it. The binding force of the law lies, therefore, in the principle as it is known to reason; on the other hand, we can and must attach to this hypothesis the sense that God, as a moral and omnipotent being, is the supreme executor of all inner and outer moral laws, that He adds to their force the efficacy that is needed to manifest it, and that we, therefore, when we observe or transgress the laws, are subject to God's judgment-seat, in that we have acted according to His will, or against it, and must expect the consequences. By reason alone, therefore, the moral law can be demonstrated and known, and doubtless followed as well; yet there is no denying that if, apart from the binding efficacy of the law itself, our free choice is further supported by the idea that our action conforms to the will of a higher external cause, this hypothesis is a good, one might even say a necessary, accompaniment to human nature.⁶⁰

We might say, therefore, that Kant saw the judicial and executive functions of God as required by morality, where our conception of those functions can also bring along with it the idea that it is God's *own* law that he is judging us by and enforcing, given the special nature of his judicial and executive roles; but at the same time, Kant does not want this legitimate belief in God as lawgiver to invert the relative priority of morality over religion, which is what happens on the divine command model where God is seen as the *prior* source of the content and bindingness of morality. This bindingness must be seen to come from our reason, which at most God's role as lawgiver can be said to reinforce, where reason's control over our will proves weak.

It can be seen, then, how it is that in the passages Hare cites, Kant can talk of God as a commander, or lawgiver, or world ruler and so on, without that implying that Kant is committing himself to a divine command account of obligation, which treats the former as the ground

⁶⁰ *LE* 27:530 (pp. 290–1). Cf. also *LR* 28:1011–2 (p. 356): '[The human being] tries to act according to the duties he finds grounded in his own nature; but he also has senses which present the opposite to him with a blinding bedazzlement, and if he had no further incentives and power to resist it, then he would in the end be blinded by their dazzle. Hence in order that he may not act against his own powers, he is set by his own reason to think of a being whose will is those very commands which he recognizes to be given by themselves *a priori* with apodictic certainty'.

for the latter, where Kant is clear that the obligatory force of morality must first be conceived as arising from reason, as I shall discuss further in the next chapter. And of course this can also explain why in other passages, Kant can forcefully reject such accounts, as in the one from the *Groundwork* we discussed. Thus, for Kant, when we move from morality to religion, as the former requires us to do, we will arrive at a religious outlook that presents God as a lawgiver; but this is consistent with rejecting the divine command model, which Kant takes to move from religion to morality, and so conceives of God as lawgiver, commander and so on in a much stronger and more problematic way.

Having shown, then, that Hare's claims regarding Kant's position as a divine command theorist are questionable, we can now turn to the second part of his case, which is that it is a mistake to think of Kant's critique of the 'theological concept' of morality in the *Groundwork* as an attack on such theories in general, but that it is rather an attack on Crusius's position in particular. Hare tries to substantiate this claim by pointing out what he sees as specific parallels between what Crusius holds and the critical points in Kant's argument, of which Hare picks out three in particular: first, that Kant starts the critique by saying that we cannot intuit God's perfections, where 'this starting point makes sense if it is Crusius he has in mind';⁶¹ second, Kant criticises the position for being crudely circular, in a way that fits Crusius's position; and third, that Kant's final objection is that 'if we think we understand what God is telling us to do *without* using moral concepts, we will be left without morality at all',⁶² where (Hare claims) the best explanation for Kant saying this is that he has Crusius as his target.

Now, in response to the first two points, I would argue that it is important to recall the context of Kant's discussion, where (as we have noted previously) part of his aim is to compare the 'theological concept' of morality unfavourably to perfectionism. To do this, Kant therefore tries to claim that in two respects where perfectionism is problematic, the theological position is on a par: namely, both involve concepts and not intuitions, and both involve a kind of circularity, in that while perfectionism 'cannot avoid presupposing the morality which it is supposed to explain',⁶³ so in the end the same will be true of the theological position. This suggests, I would claim, that Kant mentions

⁶¹ Hare 2001: 105, 2009: 153.

⁶² Hare 2001: 107, 2009: 154.

⁶³ *GMM* 4:443 (p. 91).

our lack of intuitive knowledge of God's will, and the requirement to think of that will in moral terms, not in order to pick out Crusius as a particular target, but in order to make the parallel clear that he wants to draw between the theological position and perfectionism.

On the third point, things are more complicated. For, on the one hand, I agree with Hare that the conclusion of the paragraph is not best read as directly criticising the theological position for making morality a matter of punishment or reward;⁶⁴ rather, he is right to say that it is criticising that position for removing moral concepts from our understanding of God, and so for potentially sanctifying a kind of *anti*-morality. This is why, as we have seen, Kant takes the theological position to be more problematic than the perfectionist one, as the former but not the latter can end up 'infringing' morality in a dangerous way. So I agree with Hare when he says that Kant's immediate point here is not that 'his opponent bases morality on hope of reward or fear of punishment',⁶⁵ as some commentators perhaps too easily assume.

On the other hand, Hare's reading does not take into account the *broader* context in which this discussion takes place, where (again as we have seen) Kant is identifying a whole series of positions for their heteronomous starting points, and where he does not then specifically criticise them for this when he deals with them individually, but takes this as read.⁶⁶ Thus, when he spells out this issue more explicitly elsewhere, as we have seen, he does make plain that it is the issue of fear and reward that renders divine command theories heteronomous, and that this therefore is a significant criticism of them – it is just somewhat masked by the context of the discussion here. What truth there is in Hare's reading, therefore, does not imply what he thinks it does, and is not sufficient to make his identification of Crusius as Kant's target into a compelling claim.⁶⁷

⁶⁴ But cf. *CPrR* 5:41 (p. 173): 'the will of God if agreement with it is taken as the object of the will without an antecedent practical principle independent of this idea, can become motives of the will only by means of the happiness we expect from them'.

⁶⁵ Hare 2001: 107, 2009: 154.

⁶⁶ So, for example, when it comes to perfectionism, Kant criticises it for its specific failures as against the other positions, and does not spell out the way in which it is heteronomous – though he clearly thinks it is, as he states explicitly where the context is somewhat different, when it is not signalled by the 'frame' of the discussion as a whole. See, for example, *LE* 27:16 (p. 10), where he argues that Baumgarten and Wolff 'continually based perfection on the relation between cause and effect, and thus treated it as a means to ends grounded in desire and aversion'.

⁶⁷ It is perhaps worth noting in this context that in the *Critique of Practical Reason*, where Kant presents his table of different 'Practical Material Determining Grounds' of

Finally, we may turn to the third aspect of Hare's case, which is not just that Kant was a divine command theorist, and that Kant's critical comments are directed only at Crusius's version of such a theory, but also that Kant held that autonomy can be made perfectly consistent with the kind of authority over us that the divine command theorist gives to God, provided that the theory is understood in the right way. Thus, according to Hare, 'Kant thinks submission [to a divine will] is compatible with autonomy'.⁶⁸

In order to support this view, Hare turns to Kant's treatment of *political* submission, where Kant accepts a role for the legislative, executive, and judicial role of the state in order to prevent coercion by individuals and so permit freedom. From this, Hare concludes that 'Kant cannot mean to construct an argument from autonomy against all forms of external authority. The opposite is true. He thinks that autonomy requires submission to at least one kind of external authority, namely the authority of the state'.⁶⁹ Of course, Hare accepts that there are constraints on how the state must relate to its citizens for this status of autonomy to be preserved, just as there are in the case of God. In particular, 'there is nothing heteronomous about willing to obey a superior's prescription because the superior has prescribed it, in a discretionary way, as long as the final end is shared between us, and we have trust also about the route'.⁷⁰

Now, it may seem curious for Hare to stress the political analogy here; for, as he notes, it is clear that Kant's own political sympathies were republican,⁷¹ and so might be felt to run against the account of submission to an 'external will' that Hare offers here, as on this republican view authority is ultimately held to derive from the people themselves. However, Hare's claim is that whatever might be true of the political case, in his account of the political structure appropriate to *ethics*, Kant is a royalist, who puts God at the head of a *kingdom* of ends, so that 'God has combined in one person, in his kingdom, the legislative, executive, and judicial functions that Kant thinks should be separated in a well-run earthly republic'.⁷²

morality, and lists 'the will of God' as one of the options, that he explicitly states that this is 'according to Crusius and other theological moralists' (*CPrR* 5:40 (p. 172), my emphasis), which hardly suggests that he considered Crusius to be some sort of special case.

⁶⁸ Hare 2001: 109. ⁶⁹ Hare 2001: 110. ⁷⁰ Hare 2001: 115.

⁷¹ See Hare 2001: 111 note 46. ⁷² Hare 2001: 111.

However, as we have already seen, Kant's talk of God's functions in these respects needs to be handled with some caution. In particular, when it comes to the discussion in the *Groundwork* to which Hare is referring here, although Kant does speak of God in terms of sovereignty, it can be argued that this is not because he has a supreme legislative role; rather, it is because in the communal system of moral laws in which we stand together with God, he has his place as a holy will and is thus never subject to these laws, in the way that *we* are made subject to them through our non-moral needs and desires. Much more will be said about this contrast in the next chapter; but for now, the claim is just that this means that for Kant, while we human beings are both members and sovereigns in this kingdom, God is *only* a sovereign and in this sense supreme, because the law is not anything to which he is subjected qua duty.⁷³ To claim this place of supremacy alongside God, we would have to be as God is, for then we would never feel that our inclinations are subordinated to morality as a mere member of the kingdom of ends, in the way that in fact is inevitable for creatures like us. But if this interpretation is correct, nothing in Kant's talk of God as sovereign suggests that 'other members [of the kingdom] are subject to his will, while he is not subject to the will of any other member';⁷⁴ rather, it means merely that he is not subjected to the law in the way we are, not that he imposes it upon us. So, nothing in what he says here suggests that Kant would have seen the latter relation as compatible with our autonomy.

We have seen, then, how a plausible interpretative case can be made for the view that Kant saw a threat to our autonomy in divine command theories of moral obligation, stemming from the way in which they account for the force of that obligation through an appeal to punishments and rewards, and thus through fear and inclination, in what for Kant is a heteronomous manner. But perhaps a more effective response to Hare's position even than this, is to make clear how Kant offers an *alternative* to the divine command account of obligation; for, if I can show that in fact he does so, this will also support my suggestion

⁷³ Cf. *GMM* 4:434 (p. 84): 'Now, if maxims are not already of their nature in agreement with this objective principle of rational beings as givers of universal law, the necessitation of an action in accordance with this principle is called practical necessitation, that is, *duty*. Duty does not apply to the sovereign in the kingdom of ends, but it does apply to every member of it and indeed to all in equal measure'.

⁷⁴ Hare 2009: 156.

that Kant was dissatisfied by the latter in important respects, along the lines we have indicated. It is to this alternative account of obligation, therefore, that I will turn in the next chapter. What will remain to be discussed, of course, is the *cogency* of Kant's critique, and how successful it is as an argument from autonomy against the position of the divine command theorist; this issue will be considered in more detail later in the book, in the Conclusion, once the historical influence of Kant's alternative to such theories has been explored.

KANT'S SOLUTION TO THE PROBLEM OF MORAL OBLIGATION

In the previous chapters, I have suggested that the focus of Kant's concerns about autonomy was not value realism, but the account of moral obligation offered by the divine command theorist. In this chapter, I will consider what I take to be Kant's alternative account, designed to avoid the objections he raised against the 'theological concept' of morality and so to offer a better solution to the problem of moral obligation. The key to Kant's solution, I will suggest, is the contrast he draws between our will and a divine or holy will, where he takes it that the notion of obligation does not apply to the latter; in explaining why, he comes to his distinctive account of the obligatory force of morality as it applies to us, which differs markedly from what has gone before.

This is so, as we shall see, because while Kant's account is opposed to the divine command approach to the problem, it is equally at odds with a more traditional natural law approach, while at the same time also combining elements of both. Having already discussed in the previous chapter what Kant objected to in the former, we may begin here by seeing what is problematic about the latter, and thus what intellectual pressures led Kant to adopt an alternative strategy, and thus to what I will call his 'hybrid' account.

The problem of moral obligation and the natural law tradition

In terms of the traditional debate over moral obligation, as we have seen, the major alternative to the divine command theory was the natural law theory, which holds that obligatoriness is inherent to certain actions, principles or states of affairs, and so does not see any direct

role here for any divine sovereign or commander.¹ A view of this sort is proposed by Clarke when he writes:

[T]hese eternal and necessary differences of things make it *fit and reasonable* for creatures so to act; they cause it to be their *duty*, or lay an *obligation* on them, so to do; even separate from the consideration of these rules being the *positive will or command of God*; and also antecedent to any ... *particular private and personal advantage or disadvantage, reward or punishment*, either present or future.²

Similar views can be found in Vasquez, Cudworth, Price and (on some interpretations) Aquinas,³ as well as many others at least to some degree.

¹ As others have noted, it is a curious lacuna in Anscombe's influential treatment of these issues in Anscombe 1958, that she does not see that this kind of 'no commander' view of obligation was present as a live option amongst thinkers who were not secular in other respects, so that alternatives to the divine command position existed even prior to the rise of modern secularism and the 'death of God'. Cf. Crisp 2004: 86 note 33: 'Oddly, Anscombe appears never to consider the view that claims that we have such obligations might be self-standing, requiring no justification from elsewhere, though she does consider, as alternatives to divine legislation, the norms of society, self-legislation, the laws of nature, Hobbesian contractualism, and the virtues. Perhaps, like the early Greeks, she also felt that a *nomos* had to be *nomizetai* ("dispensed")'. Cf. also Pidgen 1988, esp. pp. 34–5, and Irwin 2006: esp. pp. 325–30. For a diagnosis of why Anscombe is blind to this option, see Pink 2004b.

² Clarke 1711: 35/2003: 295. As Korsgaard has noted, passages such as this can be contrasted with other passages, in which Clarke suggests that 'the normative force derives not from the intrinsic reasonableness of the action alone, but from the fact that the agent determines herself to do what is reasonable' (Korsgaard 1996c: 32), where she cites the following: 'For the judgement and conscience of a man's own mind, concerning the reasonableness and fitness of the thing, that his actions should be conformed to such and such a rule or law, is the truest and formallest obligation ... For no man willingly and deliberately transgresses this rule in any great and considerable instance, but he acts contrary to the judgement and reason of his own mind, and secretly reproaches himself for so doing. And no man observes and obeys it steadily ... but his own mind commends and applauds him for his resolution, in executing what his conscience could not forbear giving assent to, as just and right' (Clarke 1711: 53–55/2003: 301).

³ For Vasquez, see above Chapter 2, note 7. For Cudworth, see Cudworth 1996: Book 1, Chapter 11, §4, p. 20: 'For the will of another doth no more oblige in commands, than our own will in promises and covenants. To conclude, therefore, things called naturally good and due are such things as the intellectual nature obliges to immediately, absolutely, and perpetually, and upon no condition of any voluntary action that may be done or omitted intervening'. For Price, see Price 1948: Chapter VI, pp. 105–6: 'virtue, *as such*, has a real obligatory power antecedently to all positive laws, and independently of all will; for obligation, we see, is involved in the very nature of it ... Whatever it is *wrong* to do, that it is our *duty* not to do, whether enjoined or not by any positive law'. For a discussion of Aquinas on these issues, see Irwin 2007: 545–56.

Now, of course, proponents of both approaches looked for arguments against their opponents, so that defenders of the natural law theory objected to the divine command account along the lines discussed in the previous chapter, while in their turn proponents of divine command theory raised significant objections against the natural law theory. A helpful place to get a sense of those objections is by considering a debate we have already mentioned, namely by looking at Barbeyrac's critique of Leibniz and the latter's attack on Pufendorf's divine command theory.

In that attack, Leibniz contrasted Pufendorf's view with his own, which was that law and obligation is to be found 'in the nature of things and in the precepts of right reason that conform to it', and so not 'in the command of a superior':⁴ God's role was thus to be the source from which these things 'emanate' rather than to lay down the moral law, which is as fixed and necessary as the laws of logic, arithmetic and geometry. Leibniz therefore repeats a familiar trope from the natural law tradition when he writes:

Neither the norm of conduct itself, nor the essence of the just, depends on his free decision, but rather on eternal truths, objects of the divine intellect, which constitute, so to speak, the essence of divinity itself ... [J]ustice follows certain rules of equality and proportion [which are] no less founded in the immutable nature of things, and in the divine ideas, than are the principles of arithmetic and geometry. So that no one will maintain that justice and goodness originate in the divine will, without at the same time maintaining that truth originates in it as well: an unheard-of paradox by which Descartes showed how great can be the errors of great men; as if the reason that a triangle has three sides, or that two contrary propositions are incompatible, or that God himself exists, is that God has willed it so.⁵

In his response to Pufendorf, therefore, Leibniz writes as a natural law theorist, in holding that 'justice and goodness ... belong to the necessary and eternal truths about the nature of things, as do numbers and proportions'.⁶

⁴ Leibniz 1706: 279/1988b: 70.

⁵ Leibniz 1706: 280/1988b: 71–2. Leibniz's reference to Descartes is to the sixth set of replies to objections to the *Meditations*: see Descartes 1984: II, 291–2. Cf. also Cudworth 1996: Book I, chapter II, §1, pp. 16–17; and Clarke 1711: 36–7/2003: 295.

⁶ Leibniz c 1702: 56/1988a: 45.

Now, in offering his able support to Pufendorf,⁷ Barbeyrac's strategy is in part to claim that Leibniz has exaggerated and misrepresented the implications of Pufendorf's position, and so rendered it more problematic than it really is, particularly when it comes to the supposed arbitrariness of God's willing; far from this being a difficulty, Barbeyrac argues that according to Pufendorf, 'He follows inviolably the rules of justice that conform to His infinite perfection, such that He neither wills nor could will to act otherwise'.⁸ But as well as responding defensively, Barbeyrac also goes on the attack, and raises some fundamental objections to the natural law approach adopted by Leibniz.

His central claim is that in obligation, our freedom of action is curbed or limited.⁹ But, Barbeyrac argues, nothing in the nature of things on their own could achieve this; rather, the command of a superior is required in order to account for it, as only such a superior can prevent an agent from acting otherwise, in a way that renders us obligated:

There is thus no middle point: either obligation to the rules of justice among men is absolutely independent of the divinity, and grounded solely in the very nature of things, like the 'principles of arithmetic and geometry'; or it is no way grounded in the nature of things. Now, of itself, the nature of things could not impose an obligation upon us, properly speaking. That there is such and such a relation of equality or proportion, of propriety or impropriety, in the nature of things, of itself commits us only to recognizing that relation. Something more is required in order to constrain our liberty of action, in order to command us to govern our conduct in a certain manner. Nor can reason, considered in itself and independently of the Creator who granted it to us, absolutely compel us to follow these ideas, although endorsed by them, as founded in the nature of things.¹⁰

⁷ For further discussion of this dispute, see Schneewind 1998: 250–9; Korkman 2001, 2003; Hunter 2003; Irwin 2008: 321–30.

⁸ Barbeyrac 1735: 413/2003: 291.

⁹ Cf. Pufendorf 1672: Book I, Definition XII, §1, p. 81/1931: 72: '[Obligation] places, as it were, a kind of moral bridle [*vinculum juris*] on our liberty of action, so that we are unable rightly to turn in a direction different from that to which obligation leads'; and Pufendorf 1682: Book I, Chapter 2, §3, p. 13/1991: 27: 'Obligation is commonly defined as a bond of right [*vinculum juris*] by which we are constrained by the necessity of making some performance. That is, obligation places a kind of bridle on our liberty'; and Hobbes 1998: Chapter II, Section 10, p. 36: '[F]or obligation begins where liberty ends'.

¹⁰ Barbeyrac 1735: 415/2003: 292.

In support of this position, Barbeyrac makes two main points.

First, he contends that while it may be the case that reason can lead us to act on grounds of 'propriety or impropriety', as the natural law theorist says, we can also be led to act by our passions and inclinations in a contrary direction. But, Barbeyrac asks, '[w]hy then would we follow the former rather than the latter, if there is no external principle, no superior being that compels us?'.¹¹ The response cannot be that it is somehow more 'natural' to follow reason, as 'is not the inclination of the heart as natural as the ideas of the mind?'.¹² The reply might be instead that following reason is in our interests. But then, Barbeyrac objects, it would only be considerations of prudence that would lead us to act morally, and not duty, while we are 'each of us free to renounce our advantage',¹³ so that the constraint imposed by obligation has not really been accounted for here in an adequate manner.

Secondly, Barbeyrac claims, it is impossible to make sense of obligation as coming through the use of our reason alone, as we would then be imposing an obligation *on ourselves*, and so be at liberty to free ourselves from it, making it really no obligation at all:

But what must be addressed above all, and what is enough to destroy the thought I am fighting, is the fact that our reason, considered aside from any dependence upon the Creator from whom we received it, is finally nothing other than ourselves. Now no one can impose on himself an unavoidable necessity to act or not to act in such and such a manner. For if necessity is truly to apply, there must be absolutely no possibility of it being suspended at the wish of him who is subjected to it. Otherwise it reduces to nothing. If, then, he upon whom necessity is imposed is the same as he who imposes it, he will be able to avoid it each time he chooses; in other words, there will be no true obligation, just as when a debtor comes into the property and rights of his creditor, there is no longer a debt.¹⁴

¹¹ Barbeyrac 1735: 416/2003: 293. ¹² Barbeyrac 1735: 416/2003: 293.

¹³ Barbeyrac 1735: 416/2003: 293. Cf. Pufendorf 1688: Book II, Chapter III, §20, p. 149/1934: 217: 'But if these dictates of reason are to have the force of law, there is need of a higher principle; for although their advantage is most manifest, still it alone could never lay so firm a restraint upon the spirit of men that they could not forsake such dictates if they should find satisfaction in disregarding this advantage, or believe that they could better consult their own advantage in some other way'.

¹⁴ Barbeyrac 1735: 416-7/2003: 293. For a discussion of these ideas in a Hobbesian context, cf. Cohen 1996: 167-70.

Thus, against the natural law theorist, who treats obligatoriness as inherent in the order of things, Barbeyrac argues that it is only by appeal to the will of God that we can really do justice to the demandingness of morality. Barbeyrac's basic point is that being obligated takes away our freedom, and that reason does not have the capacity to do that by informing us about how things stand in the world, for we can always go against reason or change our minds if we don't like what it is telling us;¹⁵ only if obligation comes from an authority with controlling power over us can we explain how our liberty genuinely comes to be curbed, and thus make sense of the obligatoriness of the moral.¹⁶

Closer to Kant's own time, we can find Crusius raising similar concerns to Barbeyrac and thus echoing the latter's critique of Leibniz in his own critique of the Leibnizian position popularised by Wolff. Crusius's basic objection is that because this position does not treat the bindingness of morality as arising from the will of God, it in the end must appeal to prudential considerations to explain why the agent feels the force of the moral 'must'; but that leaves the obligatoriness of morality too contingent and makes its motivations too instrumental, and so blurs the fundamental distinction between the conditional necessity of prudence and the absolute necessity of morality.¹⁷ As is well known, Kant accepts Crusius's emphasis on this distinction, writing as early as the 'Prize Essay' of 1764 that this kind of conditional necessity (which he will later associate with hypothetical imperatives)

¹⁵ Cf. Selden 1892: Chapter LXXVII, p. 101: 'I cannot fancy to myself what the law of nature means, but the law of God. How should I know I ought not to steal, I ought not to commit adultery, unless somebody had told me, or why are these things against nature? Surely 'tis because I have been told so? 'Tis not because I think I ought not to do them, nor whether you think I ought not. If so, our minds might change. Whence then comes the restraint? From a higher power; nothing else can bind. I cannot bind myself, for I may untie myself again; nor an equal cannot bind me: we may untie one another. It must be a superior, even God Almighty'.

¹⁶ Cf. Richard Cumberland's summary of one of the fundamental objections to natural law theory made by critics like John Selden and Jeremy Taylor: 'The first Objection against this Proof of the Law of Nature, is, That it supposes, without Proof, the Legislative Power of Reason, which is not to be suppos'd. "Reason is not the Law, or its Measure; neither can any Man be sure, that any thing is a Law of Nature, because it seems to him hugely reasonable, neither, if it be so indeed, is it therefore a Law. For Reason can demonstrate, and it can persuade, and invite, but not compel any thing but Assent, not Obedience, and therefore it is no Law."' (Cumberland 2005: Chapter II, §12, p. 914).

¹⁷ Cf. Crusius 1767: §372, pp. 454–8/2003: 584.

'does not indicate any necessity at all'.¹⁸ At the same time, however, as we have seen, Kant could scarcely be happy with the divine command account Crusius himself offered instead, as for Kant that too either ultimately rendered the obligatoriness of morality a purely prudential matter, based on the fear of God,¹⁹ or if it did not, seemingly left it unexplained how else his commands could come to constrain us.²⁰

As this brief discussion shows, therefore, from Kant's perspective, both the traditional natural law position and the divine command theory had their problems. We can see why in this context, while Kant may have wanted to reject the divine command approach as a result of his concerns about autonomy, at the same time there were also grounds for being dissatisfied with the orthodox natural law approach. It is not surprising, then, to find Kant taking a new direction on these issues, and so arriving at a position that does not fit easily into either camp.

The complexity of Kant's attitude to both sides in this debate can be gauged in an important passage from his *Metaphysics of Morals*. In this passage, Kant states his agreement in part with the natural law approach of someone like Leibniz, that the moral law is independent of a lawgiver, so that the wrongness of lying is indeed not contingent and chosen but rather fixed and necessary, and thus requires no 'author'.²¹ On the other hand, Kant still holds that some account

¹⁸ *PF* 2:298 (p. 272).

¹⁹ Cf. Hutcheson's parallel complaint against Barbeyrac: 'Mr. Barbeyrac, in his Annotations upon Grotius, makes *Obligation* denote an *indispensable Necessity to act in a certain manner*. Whoever observes his Explication of this *Necessity*, (which is not *natural*, otherwise no Man could act against his Obligation) will find that it denotes only "such a Constitution of a powerful Superior, as will make it impossible for any Being to obtain *Happiness*, or avoid *Misery*, but by such a Course of Action"' (Hutcheson 2002: Treatise II, Section I, p. 146).

²⁰ Crusius himself treats the desire to obey God as 'fundamental' or primitive (a *Grundtriebe*); but then, it is not clear why the natural law theorist could not appeal to an equally primitive desire to do what is right. For Crusius's view, see Crusius 1766: §452, pp. 929–30.

²¹ *MM* 6:227 (p. 381). Cf. *LE* 27:282–3 (p. 76) and *LE* 27:544 (p. 302): 'But if we ascribe an *auctor* to laws that are known through reason from the nature of the case, he can only be an author of the obligation that is contained in the law'. Cf. also *LE* 29:616 (p. 236): 'Can we, however, regard *moralitas objectiva* as a morality that arises from the divine will? Yes [says Baumgarten], for since the divine will is the idea of the most perfect will, we can say that such a will commands it. But from this it does not follow that it would have to be derived from the divine will; we could not, in that case, perceive it to be necessary ... If I can discern, from the nature of the matter, that an action is moral, then I do not need the divine will'; *LE* 29:633–34 (not translated): '*Legem ferre dicitur, qui dat obligationem; quam lex pronunciat et qui potestatem habet legem ferre est legislator*. [He is said to make law, who gives an obligation; the law pronounces this obligation and

must be given of the *obligatoriness* of such moral principles, and how they appear binding to us, which the divine command theory tries to give by treating God as 'the author (*auctor*) of the obligation in accordance with the law'. We have seen, however, what makes such accounts problematic in Kant's eyes, so that while '[a] law that binds us a priori and unconditionally by our own reason can also be expressed as proceeding from the will of a supreme lawgiver',²² the former way of thinking must be given priority over the latter; Kant therefore tries to make sense of this idea of bindingness, in a way that neither the natural law nor divine command approaches had managed to achieve.

Moral obligation, the holy will, and the human will

To do so, I will argue, Kant makes important use of a distinction he draws between a holy or divine will, and one such as ours.

Compared to many other aspects of his rich and complex practical philosophy, Kant's discussion of the holy or divine will, and the distinction that he draws between that will and one such as our own, has been little discussed. In some ways this is not surprising – for in a context where the predominant mood of ethical theorising is secular, talk of 'the holy will' may in itself cause misgivings; and at the same time, at the core of Kant's discussion seems to lie one of those notorious 'Kantian dualisms' (here between reason and desire), where sympathetic commentators have perhaps been understandably wary of making too much of the notion as a result. It may seem best, then, to treat this distinction as of no great significance both to Kant and to philosophy in general, and to pass over it in somewhat embarrassed silence. On the other hand, it is a distinction that Kant draws frequently, and with great emphasis. Commentators have not made much of it, however, perhaps because they have not seen what work Kant uses the distinction to do, and so what insights can be gained from reflecting on

he who has the power to make the law is the legislator.] Whoever is the legislator is not the author of the law; he is rather the author of the obligation of the law. The two can be different. God is to be regarded as the moral legislator; but he is not the author of the laws, for these lie in the nature of things and what is added from God is only a new obligation ... God is not the author of morality, since otherwise it would come to be through his will and we would come to know them through nature as well. It lies in the essence of things. In the same way, God is not the author of the relation of mathematical figures through his will'.

²² *MM* 6:227 (p. 381).

it.²³ My aim in this chapter, by contrast, is to show that this attitude is a mistake, so that when it comes to Kant's practical philosophy, it should be given as much prominence as the related distinction between the intuitive and discursive intellects.²⁴ Thus, I will try to show that, far from being an element in his thought that we would do best to ignore, Kant's conception of the holy will is therefore one that deserves to be taken seriously, as well as being integral to a proper understanding of his ethical views.

Kant draws a distinction between the holy will and a will such as ours throughout his ethical writings and in his lectures on ethics. The actual difference he points to is in essence a simple one, and obviously relates to standard theological conceptions of our 'fallen' nature: whereas a divine will acts only in line with the good, and has no inclinations to do otherwise, we have immoral desires and inclinations, that mean we find ourselves drawn to adopt immoral courses of action. As Kant puts it: '[t]he dispositions of the deity are morally good, and those of man are not. The dispositions or subjective morality of the divine are therefore coincident with objective morality',²⁵ but ours are not.

While the contrast Kant draws is perhaps not unusual, however, the way Kant uses it is considerably more distinctive. For, he deploys it precisely in order to resolve (and in part dissolve) the problem of moral obligation; namely, in order to explain the particular force that morality has for us, which takes the form of a *command* or *imperative*, as telling us that there are things that we *must* or *must not* do – what

²³ An exception is Terence Irwin, who has also related Kant's treatment of this distinction to the questions of obligation that concern us here. See Irwin 2004 and 2009, especially pp. 157–63. See also Alston 1989a: 310–15/1989b: 259–65.

²⁴ Lewis White Beck makes this comparison in Beck 1960: 50.

²⁵ *LE* 27:263 (p. 56). Cf. also *LE* 27:1425 (p. 68): '[T]he divine will is in accordance with the moral law, and that is why His will is holiest and most perfect ... God wills everything that is morally good and appropriate, and that is why His will is holy and most perfect'; and *LE* 29:604 (p. 229): 'In the Gospel we also find an ideal, namely that of holiness. It is that state of mind from which an evil desire never arises. God alone is holy, and man can never become so, but the ideal is good. The understanding often has to contend with the inclinations. We cannot prevent them, but we can prevent them from determining the will'; and *LR* 28:1075 (p. 409): 'A holy being must not be affected by the least inclination contrary to morality. It must be *impossible* for it to will something that is contrary to the moral law. So understood, no being but God is holy. For every creature always has some needs, and if it wills to satisfy them, it also has inclinations which do not always agree with morality. Thus the human being can *never* be holy, but of course [he can be] *virtuous*. For virtue consists precisely in *self-overcoming*'.

Kant calls 'constraint' or 'necessitation' (*Nötigung*).²⁶ In many passages, Kant explains this obligatoriness in terms of the distinction between the holy will and our own, arguing that it is because we have dispositions to do things other than what is right that the right for us involves a moral 'must'; but for a holy will, which has no inclination to do anything other than what is right, no such 'must' applies. A typical statement of Kant's view is the following from the *Groundwork of the Metaphysics of Morals*:

A perfectly good will would, therefore, equally stand under objective laws (of the good), but it could not on this account be represented as *necessitated* to actions in conformity with law since of itself, by its subjective constitution, it can be determined only through the representation of the good. Hence no imperatives hold for the *divine* will and in general for a *holy* will: the 'ought' is out of place here, because volition is of itself necessarily in accord with the law. Therefore imperatives are only formulae expressing the relation of objective laws of volition in general to the subjective imperfection of the will of this or that rational being, for example, of the human will.²⁷

Thus, the principles that determine what it is good and bad to do apply to the holy will, where these principles are moral laws because they hold of all agents universally, and of such agents independently of the contingencies of their desires and goals, and thus necessarily.²⁸ However, because the holy will is morally perfect, these laws lack any commanding or imperational force for it, whereas our lack of moral perfection means that they possess such force for us.²⁹

²⁶ Schwaiger 2009: 69–70 helpfully explains the background of this terminology in Baumgarten.

²⁷ *GMM* 4:414 (p. 67). As we shall soon see, the 'good' here can be broader than the moral good as it may include things that are good qua means; on the other hand, as Timmermann observes (2007: 62–3 note 27), '[i]t is most likely that Kant first and foremost has the *moral* law in mind when he says that the same objective laws of the good hold for both kinds of will [viz. human and holy] alike'.

²⁸ On universality, see: *GMM* 4:412 (p. 65): 'moral laws are to hold for every rational being as such'. On necessity, see Kant's distinction between *principles* and *laws*, where the former are what govern 'what it is necessary to do merely for achieving a discretionary purpose', and so can be 'regard[ed] as in [themselves] contingent and we can always be released from the precept if we give up the purpose', whereas a moral law 'leaves the will no discretion with respect to the opposite, so that it alone brings with it that necessity which we require of a law' (*GMM*, 4:420 (p. 72)). Cf. also *GMM* 4:389 (pp. 44–5).

²⁹ Cf. *MM* 6:222 (p. 377): 'An imperative is a practical rule by which an action in itself contingent is *made* necessary. An imperative differs from a practical law in that a law indeed represents an action as necessary but takes no account of whether this action

Kant's position here is part of a general account of imperatives, not just the imperatives of morality. The latter are categorical, but Kant distinguishes them from hypothetical imperatives which can be either 'problematic' or 'assertoric': that is, imperatives that say what we ought to do in so far as this is a means to some end, where that purpose is discretionary and not shared by all (such as winning a race, or getting a high paying job), or an end that everyone naturally wills (such as happiness).³⁰ Categorical imperatives, by contrast, tell us what we must do independently of prior ends, as in the commandments of morality. But despite this difference between the categorical and hypothetical cases, Kant holds that both types get their imperatival force for us because unlike a holy will, we are not simply geared up to do what we see to be good (whether conditionally or unconditionally), but are also tempted to act otherwise rather than simply following the latter. So, when it comes to hypothetical imperatives, while I may know that exercising has conditional value as a means to winning the race, I nonetheless want to stay in bed; or while I may know that to make myself happy I should live more simply, I am still reluctant to do so because of the pleasures that my materialist lifestyle brings. Thus, Kant says, '[a]ll imperatives are expressed by an *ought* and indicate by this the relation of an objective law of reason to a will that by its subjective constitution is not necessarily determined by it (a necessitation). They say that to do or to omit something would be good, but they say it to a will that does not always do something just because it is represented to it that it would be good to do that thing'.³¹

Now, if imperatival force is best understood in this way, Kant nonetheless thinks that there is a special problem with respect to the categorical imperatives of morality, as against the problematic and assertoric hypothetical imperatives. For while in both cases, imperatives apply to us because we possess contrary inclinations that need to be constrained by reason in its representation to us of what is good, Kant holds that how this process works is clearer in the case of hypothetical

already inheres by *inner* necessity in the acting subject (as in a holy being) or whether it is contingent (as in a human being); for where the former is the case there is no imperative. Hence an imperative is a rule the representation of which *makes* necessary an action that is subjectively contingent and thus represents the subject as one that must be *constrained* (necessitated) to conform with the rule'.

³⁰ See *GMM* 4:414–5 (pp. 67–69). For a slightly different classification, see *CPrR* 5:20–1 (pp. 154–5).

³¹ *GMM* 4:413 (p. 66).

imperatives than categorical ones. However, while Kant makes this much plain, he is unfortunately less transparent and consistent on where exactly he takes the difficulty to lie, so that a range of interpretative options have been canvassed: for example, that the means/end reasoning behind hypothetical imperatives is self-evidently or analytically rational, whereas the reasoning behind categorical imperatives is not; that the end in following a hypothetical imperative is self-evident or analytically contained in the imperative, whereas the end in following a categorical imperative is not; or that the motivation in following a hypothetical imperative is self-evident or analytic, whereas in a categorical imperative it is not – and where, of course, all these options can be interrelated in various ways.³² Thus, while some such difficulty prompts Kant to ask a transcendental or ‘how possible?’ question of categorical but not hypothetical imperatives, because the problem behind the question is not made entirely lucid, so too it is not entirely clear what is at stake in answering it.

Fortunately, for our purposes it is not necessary to enter this minefield, as we are less concerned with what it is in the case of a categorical imperative that makes moral action into one that reason follows, and more with why that action appears to us as *commanded* or necessitated, as it is this aspect of the ‘how possible?’ question that needs settling if the obligatory force of morality is to be explained without compromising our autonomy. Thus, what matters here for us is that when Kant raises the ‘how possible?’ question in Section II of the *Groundwork* and tells us that he will postpone his resolution of it to Section III,³³ and that when that resolution turns out to involve the machinery of transcendental idealism,³⁴ he still comes back to characterising that obligatoriness in terms of the distinction between the holy will and ours, but this time mapped onto the transcendental distinction between the noumenal and phenomenal realms (or the ‘intelligible world’ and ‘the world of sense’) that he has now introduced:

And so categorical imperatives are possible by this: that the idea of freedom makes me a member of an intelligible world and consequently, if I were only this, all my actions *would* always be in conformity with the autonomy of the will; but since at the same time I intuit myself as

³² For example, the first option is emphasised in Paton 1967: 120–8, esp. p. 128; the second in Guyer 2007: 80–1; and the third in Timmermann 2007: 69. I do not claim that these options are exhaustive.

³³ See *GMM* 4:420 (p. 73). ³⁴ See *GMM* 4:450–1 (p. 98).

a member of the world of sense, they *ought* to be in conformity with it; and this *categorical* ought represents a synthetic proposition a priori, since to my will affected by sensible desires there is added the idea of the same will but belonging to the world of the understanding – a will pure and practical of itself, which contains the supreme condition, in accordance with reason, of the former will ... The moral '*ought*' is then [the person's] own necessary '*will*' as a member of an intelligible world, and is thought by him as '*ought*' only insofar as he regards himself at the same time as a member of the world of sense. ³⁵

Kant thus uses his transcendental idealism, and his dualistic picture of the will, to elaborate on the distinction between the holy will and ours, a dualism that is designed to help solve the problem of 'how the necessitation of the will, which the imperative expresses ... can be thought'.³⁶ Kant's distinction between the holy will and ours therefore forms a crucial part of his answer to the problem of accounting for the moral '*must*', in a way that explains its possibility (unlike a view that simply treats the '*must*' as a feature of the world), but without recourse to the problematic notion of a divine legislator as the source of that '*must*' (thus avoiding any need to adopt a divine command theory).

Analysing the distinction between the holy will and the human will

Having shown the way Kant sets out the distinction, and indicated the role he gives it within his practical philosophy, I now want to examine it in a little more detail. For, although in some ways Kant's position is fairly straightforward, it is nonetheless not without its ambiguities.

³⁵ *GMM* 4:454–5 (pp. 100–101). Cf. also *LE* 27:510 (pp. 274–5): 'Although the obligation is established by reason, it is nevertheless assumed that in the performance of our duty we have to regard ourselves as passive beings, and that another person must be present, who necessitates us to duty. Crusius found this necessitating person in God, and Baumgarten likewise in the divine will, albeit known through reason, and not positively, and on this principle a particular moral system has been erected. If, however, we pay heed to self-regarding duties, then man is presented in his physical nature, i.e., insofar as he is subject to the laws of nature, as the obligated, and rightly so; but if the obligator is personified as an ideal being or moral person, it can be none other than the legislation of reason; this, then, is man considered solely as an intelligible being, who here obligates man as a sensory being, and we thus have a relationship of man *qua* phenomenon towards himself *qua* noumenon. The situation is similar in obligations towards others'. For a closely related passage, see *MM* 6:417–8 (pp. 543–4).

³⁶ *GMM* 4:417 (pp. 69–70). We thus have Kant's answer to Ogden Nash: If duty *did* have the visage of a sweetie or a cutie for us, it wouldn't *be* duty – just as it isn't for the holy will.

One issue concerns what it is about the holy will, exactly, that makes it the case that there is no moral obligation for a will of this kind. The simplest answer to this question, which I have largely adopted in sketching Kant's position above, is to think that morality lacks any obligatory force for the holy will because it has no *resistance* to morality: unencumbered as it is by any non-moral desires and inclinations, it feels no *constraint* in acting morality, because nothing in its will fights against the moral course of action as determined by reason, and so no part of its will has to be restrained or held back in any way. This picture fits with many passages from Kant, such as when he says that if we had a holy will 'the [moral] law would finally cease to be a command to us, since we would never be tempted to be unfaithful to it';³⁷ or characterises a '*holy* (superhuman) being' as one 'in whom no hindering impulses would impede the law of its will and who would thus gladly do everything in conformity with the law';³⁸ or states that '[God is] unlimited only in this, that no moral necessitation can be supposed in Him, in regard to the determination of His will, since He lacks the limitations imposed on human nature, of an inclination to contravene the laws'.³⁹

However, as well as this way of characterising what is distinctive about the holy will as being a will that lacks any non-moral inclinations, Kant also characterised the holy will in terms that deploy more of his technical machinery, particularly the idea of a *maxim*. Unfortunately, however, there is some ambiguity in Kant's account of what maxims are, where this is then reflected in apparently contradictory claims Kant makes about how the holy will stands in relation to maxims – Kant sometimes states that the holy will (unlike us) has *no* maxims,⁴⁰ and sometimes that it has maxims, but unlike us, its maxims always coincide with the moral law.⁴¹

The difficulty here arises because of an underlying unclarity in what Kant means in characterising maxims as 'subjective principles

³⁷ *CPrR* 5:82 (p. 206). ³⁸ *MM* 6:405 (p. 533). ³⁹ *LE* 27:547 (p. 304).

⁴⁰ Cf. *CPrR* 5:79 (p. 204): 'All three concepts, however – that of an *incentive*, of an *interest* and of a *maxim* – can be applied only to finite beings. For they all presuppose a limitation on the nature of a being, in that the subjective constitution of its choice does not of itself accord with the objective law of a practical reason; they presuppose a need to be impelled to activity by something because an internal obstacle is opposed to it. Thus they cannot be applied to the divine will'.

⁴¹ Cf. *GMM* 4:439 (p. 88): 'A will whose maxims necessarily conform with the laws of autonomy is a *holy*, absolutely good will'; and *CPrR* 5:32 (p. 165): 'a *holy* will ... would not be capable of any maxim conflicting with the moral law'.

of acting'.⁴² At times he seems to mean by this nothing more than the idea that a maxim is a principle on which an agent acts or proposes to act, in which case there is no difficulty for him in attributing maxims to the holy will, and claiming that the principles on which it acts will always be ones that conform to the moral law. However, Kant also characterises the 'subjective' nature of maxims in a further way, not just as principles employed by subjects in acting, but as principles that have merely subjective *validity*, in contrast to the objective validity of the practical law, where the subjectivity of a maxim in *this* sense means that it holds only for the subject in so far as it relates merely to his or her 'conditions', such as what he or she is inclined to do, and thus does not apply to those whose 'conditions' are different. So, out of concern for my health, I might make it my maxim to drink less coffee because I think drinking coffee leads to insomnia; but this is merely a subjective rule, as it does not profess to be valid for anyone else, relating as it does to my particular inclinations, and my views about the effects of coffee on my sleep and insomnia on my health. By contrast, on this picture, a moral principle has an objectivity that maxims lack, because they do indeed apply to others, where here the relevant grounds or conditions are not confined to the individual subject.⁴³ Thus, while in both cases, because they are general principles, maxims and practical laws are determined by reason, in the former case it is reason working on the basis of the particular agent's particular preferences and so framing principles with limited applicability, while in the latter it is reason arriving at genuine laws that apply to all, independent of these circumstances. Now, given *this* conception of maxims, as having only subjective validity in this sense, it is understandable why Kant might come to say that the holy will lacks them

⁴² Cf. *GMM* 4:420 note (p. 73), and also 4:401 note (p. 56).

⁴³ Cf. *CPvR* 5:19 (p. 153): 'Practical *principles* are propositions that contain a general determination of the will, having under it several practical rules. They are subjective, or *maxims*, when the condition is regarded by the subject as holding only for his will; but they are objective, or practical *laws*, when the condition is cognized as objective, that is, as holding for the will of every rational being'. Cf. also *LE* 27:495 (p. 263): 'The *maxim* of an action differs, that is, from an objective principle in this, that the latter occurs only insofar as we consider the possibility of the action on certain rational grounds, whereas the former includes all subjective grounds of action whatsoever, insofar as they are taken to be real. N.B. The principle is always objective, and is called a maxim *quoad subjectum* [as to the subject]. It is understood as the rule universally acknowledged by reason, while the maxim is the subjectively practical principle, insofar as the subject makes the rule by which he is to act into the motive of his action as well'.

altogether: for, if none of the 'conditions' that give merely subjective validity to maxims apply to the holy will, and if instead the only principles that guide it are the principles of the objectively valid practical law, then it becomes clear why Kant might claim that we cannot think of the holy will as having maxims. But it also becomes clear why, given the *other* way in which the notion of a maxim is also used by Kant, he might allow that the holy will can have maxims, and speak of the holy will in these terms.⁴⁴

Having resolved the apparent contradictions in Kant's position with regard to the holy will on the issue of maxims, we can now turn to another area where there also might appear to be some ambiguity: namely, on what basis does Kant claim that the holy will cannot be obligated to act, or stand under a duty? In the section above, I suggested that Kant's reason for this claim is that he thought that for these notions to apply to an agent, what it is right for them to do must exert some necessitating force, which is impossible in the case of a holy will, as it lacks the inclination to do anything other than the moral action; but there is another way of taking Kant's position here that should be considered.

On this alternative view, the reason why the holy will has no duties or obligations is that duties and obligations require the agent to be able to *fail* to act as they are obligated to do, so that in this sense 'ought implies might not'. Kant's position has been presented along these lines by Samuel Kerstein, who writes that

[a]ccording to Kant, one can be obliged to do something only if there is some possibility that he will fail to do it. Yet some beings, for example, God, might be such that they cannot fail to obey the supreme principle of morality. It would thus make no sense to say that they have an obligation to obey it.⁴⁵

Kerstein cites evidence that Kant believed in the 'ought implies might not' principle by pointing to a passage in the *Metaphysics of Morals*, where Kant is discussing whether we could have a duty to pursue our own happiness, which Kerstein reads as saying that 'an agent cannot

⁴⁴ Cf. Paton 1967: 61: 'Kant speaks at times as if all maxims are grounded on sensuous inclinations, and consequently as if a divine or holy will could have no maxims. A holy will would have no maxims which were not also objective principles; but to say this is not to deny that it acts in accordance with maxims, if we interpret "maxims" to mean principles manifested in action. It is all-important to recognize that while maxims are commonly based on inclinations ... it may nevertheless be possible to act on maxims which are not so based'.

⁴⁵ Kerstein 2002: 2.

have an obligation to promote the end of his own happiness, since each agent unavoidably has this end'.⁴⁶

Now, the principle 'ought implies might not' is perhaps plausible, and there is some additional textual evidence that Kant held it as a necessary condition for obligatoriness.⁴⁷ But in fact the passage Kerstein cites seems to suggest that Kant also believed that more was required to account for obligatoriness as it applies to us; for here Kant says that we cannot have the duty to pursue our happiness because this happiness accords with our desires, and thus there is no experience of *resistance* in aiming at happiness as an end (in contrast, say, to our own perfection, where we do experience resistance from desire, and where therefore it makes sense to speak of a duty to self):

⁴⁶ Kerstein 2002: 193 note 4.

⁴⁷ See, for example, *LE* 27:486 (p. 256): 'In God the nature of action is likewise that it accords with the moral laws which are formed by the concepts of the highest reason; save only that since no subjective possibility of contravening such laws is possible in His case, His actions being morally necessary both objectively and subjectively, no imperative is appropriate to Him either, since however He acts, He does so in accordance with the moral laws, and will at all times act freely and unconditionally'; *GMM* 4:413 (pp. 66–7): '[Imperatives] say that to do or to omit something would be good, but they say it to a will that does not always do something just because it is represented to it that it would be good to do that thing'; *GMM* 4:414 (p. 67): 'Hence no imperatives hold for the *divine* will and in general for the *holy* will: the "ought" is out of place here, because volition is of itself necessarily in accord with the law'; *GMM* 4:449 (pp. 96–7): 'this "ought" is strictly speaking a "will" that holds for every rational being under the condition that reason in him is practical without hindrance; but for beings like us – who are also affected by sensibility, by incentives of a different kind, and in whose case that which reason by itself would do is not always done – that necessity of action is called also an "ought," and the subjective necessity is distinguished from the objective'; *MM* 6:222 (p. 377): 'An imperative differs from a practical law in that a law indeed represents an action as necessary but takes no account of whether this action already inheres by an *inner* necessity in the acting subject (as in a holy being) or whether it is contingent (as in the human being); for where the former is the case there is no imperative'; *CJ* 5:403–4 (p. 403): 'Now since [in the practical case] ... the action which is morally absolutely necessary can be regarded physically as entirely contingent (i.e. what necessarily *should* happen often does not), it is clear that it depends only on the subjective constitution of our practical faculty that the moral laws must be represented as commands (and the actions which are in accord with them as duties), and that reason expresses this necessity not through a *be* [*Seyn*] (happening) but through a should-be [*Seyn-Sollen*]: which would not be the case if reason without sensibility (as the subjective condition of its application to objects of nature) were considered, as far as its causality is concerned, as a cause in the intelligible world, corresponding completely with the moral law, where there would be no distinction between what should be done and what is done, between a practical law concerning what is possible through us and the theoretical law concerning what is actual through us'.

[H]is own happiness is an end that every human being has (by virtue of the impulses of his nature), but this end can never without self-contradiction be regarded as a duty. What everybody already wants unavoidably, of his own accord, does not come under the concept of duty, which is *constraint* to an end adopted reluctantly. Hence it is self-contradictory to say that he is *under obligation* to promote his own happiness with all his powers.⁴⁸

Here Kant clearly seems to make the conceptual claim that I am interested in, and not just the one attributed to him by Kerstein, namely that 'duty ... is *constraint* to an end adopted reluctantly', where it is precisely this lack of 'reluctance' and hence constraint that seems to make the concept of duty 'self-contradictory' in this context – and thus, equally contradictory in the case of the holy will.⁴⁹ In the light of this textual evidence, I think it is reasonable to conclude that there is more to Kant's position here than just an appeal to the 'ought implies

⁴⁸ *MM* 6:386 (p. 517). Cf. *MM* 6:417 (p. 543): 'For the concept of duty contains the concept of being passively constrained (I am *bound*)'. Cf. also *CPrR* 5:37 (p. 170): 'A command that everyone should seek to make himself happy would be foolish, for one never commands of someone what he unavoidably wants already'. Of course, 'foolishness' is a weaker notion than self-contradictoriness, but is a negative mark against such a command nonetheless.

⁴⁹ Kant seems to have this view in several other passages, e.g. *MM* 6:379 (p. 512): 'The very *concept of duty* is already the concept of a *necessitation* (constraint) of free choice through the law. This constraint may be an *external constraint* or a *self-constraint*. The moral *imperative* makes this constraint known through the categorical nature of its pronouncements (the unconditional ought). Such constraint, therefore, does not apply to rational beings as such (there could also be *holy ones*) but rather to *human beings*, rational *natural* beings, who are unholy enough that pleasure can induce them to break the moral law, even though they recognize its authority; and even when they do obey the law, they do so *reluctantly* (in the face of opposition from their inclinations), and it is in this that such *constraint* properly consists'; and *LE* 29:616–7 (p. 236): '*Necessitas actionis invitat* [necessity of action against one's will] is a compulsion. For this it is required, not only that our will be not morally good, but also that it have hindrances. A compulsion always presupposes a hindrance in the will. A man often has inclinations which conflict with the moral law. So duty we regard as a compulsion. A compulsion occurs when we have an inclination to the opposite of an action. The necessitation to an action, such that we have an inclination to its opposite, is therefore compulsion'. Cf. also *CPrR* 5:32 (pp. 165–6); 5:83 (pp. 206–7); *LE* 29:605 (pp. 229–30); *LE* 29:611 (pp. 234–5); *LE* 27:519 (p. 282); 27:623 (p. 365); and *Vorarbeiten zur Religion* 23:100 (not translated): 'If all men gladly and willingly followed the moral law in so far as it contains reason as the rule, so it would give no duty, just as one cannot think of this law which determines the divine will as obligating it [this will]. If therefore there are duties laid down if the moral law in us is a command for us (categorical imperative), then we must be considered as necessitated [*genöthigt*] without pleasure or inclination. A duty to do something gladly and from inclination is a contradiction'.

might not' principle, and that the account I offered in the previous section should be allowed to stand.

A worry might be raised, however, that there is something problematic in Kant's position here, and whether Kant can in fact make the idea of the holy will consistent with his own philosophical outlook, and in particular with his conception of the good will. For, in the *Groundwork* and elsewhere, Kant famously characterises the good will as a will that acts out of duty; but if the holy will cannot act in this way, how can it be good?

I think this worry underlies H. A. Prichard's claim, in his unpublished lectures on the *Groundwork*, that '[Kant's] idea of a holy will is untenable'.⁵⁰ Prichard argues that Kant must explain how the holy will is moved to action, where (Prichard states) the mere goodness or rightness of some state of affairs cannot explain this in itself. However, Kant has ruled out using a 'sense of obligation' as the explanation for action by the holy will, as this will is not supposed to have any such sense. Thus, Prichard argues, Kant is forced to say that the holy will acts out of a 'good desire'. But then, it seems, Kant has contradicted his own analysis of the good will, which is a will that acts out of a sense of duty, not inclination, no matter how beneficent: '[f]or though it is possible to perform duties from some good motive other than a sense of obligation, e.g. a desire arising from affection or public spirit, and though such an act will manifest goodness, the goodness manifested will not be moral goodness'.⁵¹ The question Prichard is pressing, therefore, is the internal coherence of Kant's position: 'having formulated the spirit in which a moral being will act, viz. the sense of obligation',⁵² but having deprived the holy will of any such sense, how can the holy will be a moral being?

While interesting and *prima facie* plausible, I think, however, that Prichard's concern can be allayed.

A first point to note regarding Kant's conception of the good will itself is that it is a mistake to think that Kant *identified* the idea of the good will with the will that acts from duty, as if goodness must always involve dutifulness. In fact, when introducing his conception of the good will at the beginning of the *Groundwork*, Kant says that dutifulness only characterises the good will when thought of 'under certain subjective limitations and hindrances'; he just wants to stress that these

⁵⁰ Prichard 2002: 55. ⁵¹ Prichard 2002: 55–6. ⁵² Prichard 2002: 56.

'subjective limitations and hindrances' do not take away its goodness altogether – indeed, 'far from concealing it and making it unrecognizable, [they] rather bring it out by contrast and make it shine forth all the more brightly'.⁵³ These 'subjective limitations and hindrances' are obviously the non-moral inclinations that prevent us from being holy wills, but where we can still display goodness through acting out of duty: but it is clear from the outset of the *Groundwork* that Kant did not *identify* being a good will with acting out of duty, but merely thought of this as a way of being good, under special constraints and conditions. In other words, the notion of the good will is broader than the concept of the will to which the concept of duty applies.⁵⁴ There thus seems to be no incoherence, from a Kantian point of view, in holding that the holy will acts from the thought that doing this act would be good, and not from the thought that it is its duty.

Second, there are two possible responses one might give to Prichard's worry concerning the actions of a holy will, where Prichard thinks this is a worrisome issue because such actions cannot be explained as arising from a sense of duty (as a holy will has no such sense) or from desires (because a holy will has none). One response is to accept that Prichard is right to be puzzled here, but to argue that Kant would have not have seen anything problematic in such puzzlement; rather, it is just what we would expect, given our limited understanding of any such will (where, of course, this kind of response would fit with Kant's more general emphasis on our cognitive limitations regarding questions of this sort). Even if this kind of reply is in some ways unsatisfying, it is not clear why this still doesn't allow Kant's conception of the holy will to do the work he requires of it, namely to provide a contrast class to a will such as our own.

A more positive response, however, would be to challenge Prichard's claim that the holy will is a 'being without desire'⁵⁵ in *any* sense. For, of course, while holy wills must lack any desire to do what is wrong, we might still think of the holy will as having inclinations that are in accord with what is right, in a way that would explain the contrast with our own case, while making the agency of the holy will less inchoate than on the first response. So, if we first consider what moral action involves in our own case, Kant's account seems to be that we have various inclinations (such as the desire to commit suicide, or keep some

⁵³ *GMM* 4:397 (p. 52).

⁵⁴ Cf. Wood 1999: 26–7.

⁵⁵ Prichard 2002: 55.

money that has been borrowed), but conscience then leads us to question such inclinations and test their associated maxims, where the various formulae that Kant proposes are the tests we use to determine the rightness or wrongness of the actions we feel inclined to perform.⁵⁶ We can therefore think of the holy will as also having inclinations,⁵⁷ which are what lead it to act, but only inclinations that are moral;⁵⁸ but when it acts on them, it does so because they have been assessed in accordance with the formulae and thus in moral terms, so it is not acting *merely* out of feeling or on the basis of inclinations. However, unlike us, because the holy will has no *non*-moral inclinations, these formulae do not constitute imperatives, or what it *ought* to do, but rather what it *will* do, in a way that makes the holy will exempt from duty and obligation, as Kant claims.

I will not attempt to adjudicate between these responses to Prichard here, but both seem available to Kant in ways that suggest the Prichardian worry can be defused. In fact, although Kant does not introduce this distinction very often or with much emphasis,⁵⁹ he might be said to draw the contrast between us and the holy will in *both* these ways, when he distinguishes between the human will on the one hand, and two *types* of holy will – namely *finite* holy wills and *infinite* ones, where the latter are divine and the former are not. The finite holy wills seem to have inclinations arising from their sensuous natures, but these inclinations (unlike ours) are always in harmony with reason or at least offer no temptation to it, while the infinite holy will then appears to contrast with the finite holy will in having no inclinations at all. One might then worry, in a Prichardian manner, how such an infinite divine or holy will could operate – but again it may seem plausible to respond that such understanding is beyond us, while pointing to the finite holy will as a perhaps more intelligible but no less significant contrast class to the human case, on whom the imperative force of morality still falls.

⁵⁶ *GMM* 4:421–4 (pp. 73–5).

⁵⁷ For a defence of the view that we should see the holy will as having inclinations, see Willaschek 2006: 130–2.

⁵⁸ Cf. *Relig* 6:58 (p. 102), where Kant says that even natural inclinations do not *necessarily* tend towards the bad, but can be ‘good’, i.e. not reprehensible, so that we do not need to ‘extirpate’ them altogether in order to avoid evil, as the Stoics claimed.

⁵⁹ *MM* 6:383 (p. 515).

Kant's hybrid solution to the problem of moral obligation

I have thus considered Kant's distinction between the holy will and the human will in some detail, and shown how it allows Kant to offer an account of how the obligatoriness of ethics is possible. I will now suggest that what makes this account attractive is that it enables Kant to offer a kind of 'hybrid' view that enables him to do justice to elements from competing positions and thus steer a way between realism and anti-realism; externalism and internalism; and divine command and natural law models.

Realism and anti-realism. It is scarcely surprising that the dispute between realists and anti-realists in ethics is long-standing and ongoing, as both sides have their clear attractions, while also having their drawbacks, where each is often mirrored in the views of the other. And in the recent literature on Kant, as we have seen, these respective advantages and disadvantages have been highlighted in competing interpretations of Kant himself, where both realist and anti-realist constructivist accounts have emerged. The dialectical back-and-forth between realism and anti-realism is familiar. On the one side, the realist will argue that the constructivist cannot avoid endorsing realism at some point, for unless some moral facts are taken to obtain *prior* to the choices we make as agents, where these choices are then governed by these facts, then the constructive procedure will be utterly unconstrained and its results morally arbitrary and relative. On the other side, the constructivist will argue that any such independent moral facts are too mysterious to be treated as explanatorily basic but are not in any way explained by the realist, while their independence from us makes them a threat to our autonomy as agents. Each side thus raises concerns (of emptiness and relativism on the one hand; and of 'queerness' and heteronomy on the other) that appear genuine and serious, but which neither can wholly address left to itself.

At this point, therefore, it is natural to look for a way out of the impasse: and I would argue that Kant's account of obligatoriness using his position on the holy will provides us with such a way forward. For this account can be viewed as having two levels, and thus as a kind of 'hybrid' position that combines elements of realism with elements of anti-realism, to the advantage of both.

The realist level concerns the content of morality, what is right and wrong, and the value of rational nature on which this rests. As we have seen, Kant goes along with the natural law theorists in insisting that not even God can determine by an act of will or choice what this content is to be, as this is as fixed and necessary as the fact that a triangle has three corners, and so obtains independently of any relation to any legislator.⁶⁰ As we have also seen, Kant speaks as if he conceives of the value of the free rational agent in realist terms.⁶¹ However, Kant's distinction between the holy will and our own means that he does not treat the *obligatoriness* of what is right and wrong as independent in this way, for we give the content of morality its obligatory form, in so far as this depends on our limitedness as finite creatures. So, on Kant's account, this obligatoriness is just the way in which what is right and wrong presents itself *to us*, from our human (all too human) perspective; from the perspective of a divine will, and so from the 'absolute standpoint', there *is no* duty and obligation, but only what is right and wrong, because the divine will has none of the non-moral inclinations which (as we have seen) means that what is right is represented to us in the guise of duties and obligations, and thus as the moral 'must'.⁶² Kant is thus able to side with the realist about the right, and thus avoid the spectre of emptiness and arbitrariness that threatens constructivism; but he is able to side with the anti-realist about the obligatory, and thus avoid much of the 'queerness' associated with the idea that the world in itself makes *demands* on us, and also avoid the threat to our autonomy that any such purely 'external' demand might seem to imply. Kant thus offers us a hybrid view that is neither fully realist nor fully anti-realist 'all the way down', but combines elements of both to the advantage of his position as a whole.⁶³

⁶⁰ See Chapter 1 note 70.

⁶¹ See Chapter 1, third section.

⁶² Cf. *CJ* 5:403–4 (p. 273): 'it is clear that it depends only on the subjective constitution of our practical faculty that the moral laws must be represented as commands (and the actions which are in accord with them as duties), and that reason expressed this necessity not through a *be* (happening) but through a *should-be*'.

⁶³ I think Irwin also sees Kant as adopting this sort of hybrid view: '[Kant] recognises intrinsic rightness without any acts of commanding or obligating ... In Kant's view, commands and act of binding are [only] relevant to finite rational agents, who are also subject to other incentives and so have to be instructed and urged to follow the moral law' (Irwin 2004: 149). Cf. also Irwin 2009: 161–2; Korsgaard 1996c: 5: 'If the real and the good are no longer one, value must find its way into the world somewhere. Form must be imposed on the world of matter. This is the work of art, the work of obligation, and it brings us back to Kant. And this is what we should expect. For it

To a significant degree, therefore, I would argue that the basic structure of Kant's ethics resembles that of his theoretical philosophy, which equally employs a form/content distinction to combine realism with idealism. Thus, while Kant rejects an idealism that goes 'all the way down' and leads to a Berkeleian subjectivism that would be unconstrained by the world, he also rejects a full-blown realism that aims to treat all our experience of that world as if it conformed to reality as it exists in itself, wholly independent of our perspective on it. And equally, of course, Kant hoped that this would enable us to escape the fruitless oscillation between empirical idealism on the one hand, and transcendental realism on the other. In ethics, it can therefore be argued, Kant could use his distinction between the divine will and our own to settle a similar kind of impasse, in a way that promises some of the similar dividends of his 'Copernican revolution' in theoretical philosophy.⁶⁴

Externalism and internalism. I now want to turn to a second area where again I believe that Kant's account of obligation also enables him to take a distinctive 'middle path', this time between externalism and internalism concerning the relation between the normative status of certain actions and the motivations of agents.⁶⁵

was Kant who completed the revolution, when he said that reason – which is form – isn't in the world, but is something that we impose upon it'. On the hybrid reading of Kant that I am proposing, Korsgaard is only half right – right about obligation, but not about value.

⁶⁴ Kant's position here, regarding the moral 'must', may also be compared to what he says regarding the modal distinction between possibility and actuality, which he claims arises from our perspective as discursive intellects, and is therefore 'merely subjectively valid for the human understanding', as it does not hold for an intuitive intellect such as God's, who cannot think of something without it existing. Cf. *Cf* 5:401–3 (pp. 272–3), where Kant goes on to discuss the moral case immediately afterwards: 5:403–4 (p. 273).

⁶⁵ This is to be distinguished from a different debate in ethics where the vocabulary of externalism and internalism is also used, which centres on *reasons*, where the internalist argues that for an agent to have a reason to act, that action must in some way relate to the agent's desires, interests, and concerns, in a way that the externalist denies. The debate I will discuss is also to be distinguished from another more closely related internalism/externalism dispute, which concerns motivations, but which focuses on whether making a positive moral judgement about an action can in itself *give* one a motivation to so act (internalism), or whether it can only do so in conjunction with some additional factor (such as a desire to act morally). Following Darwall, this position is often called *judgement internalism*, whereas the one I will discuss is called *existence internalism*: see Darwall 1992.

This terminology is used in a number of different ways, but at the heart of the dispute I am interested in here is the question whether (as the internalist claims), for someone's actions to possess their moral status (of being right or wrong, or good or bad, or a duty, or an obligation, or something they ought to do, and so on), it is necessary for the agent to have (actually or dispositionally) a motivation so to act, so that the former depends on the 'internal states' of the latter; or whether on the other hand there is no such link or dependence, as the externalist claims. Thus, on the internalist view, the moral features of actions are said to be essentially related to considerations concerning motivation, thereby bringing in the motivational states of agents, not just features of the action that stand outside the agents concerned and are 'external' to them (for example, whether the action would maximise happiness, or is divinely commanded, or is 'fitting', or whatever).

One's stance on this dispute can be influenced by a variety of considerations, but perhaps three are central: the relation between cases of moral judgement and action; the threat of moral scepticism and how to deal with it; and the relation between this issue and meta-ethical disputes concerning realism and various forms of anti-realism.

On the first issue, internalists have been struck by the fact that in making a positive moral judgement concerning some action, it then seems very curious not to act or to at least admit to some inclination to doing so: surely, the internalist argues (absent weakness of will and other complicating factors),⁶⁶ in these circumstances we would be forced to conclude that the agent did not really have the moral concept in the first place or had not genuinely made a judgement involving it.⁶⁷ This then suggests (the internalist will claim) that what makes the moral judgement true partly concerns the agent's motivational state and not just some fact 'external' to this. By contrast, externalists have thought that such cases, while in fact (thankfully) rare in practice (perhaps because most of us possess an antecedent disposition to act on our moral judgements, or that these judgements bring about such motivations in themselves), nonetheless do not involve any conceptual incoherence as such, as they would if to make a first-personal moral judgement about an action is to already attribute to oneself some motivation to so act.

⁶⁶ For example, that there is a greater obligation to do something else.

⁶⁷ Cf. Smith 1994: 67–71.

On the issue of moral scepticism, internalists have taken it as an advantage of their view that a certain sort of moral sceptic is ruled out, namely a sceptic who makes a moral judgement concerning some action ('this is right', 'this is what I ought to do'), but denies any motivational connection to the action, and so still asks to be given some motivating reason to act in this way. In so far as dispensing with the threat of scepticism is always desirable in a philosophical position, internalists have therefore claimed it as an advantage of theirs that it does so.⁶⁸ Against this, however, externalists have claimed that the internalist position is in fact implausibly strong when it comes to scepticism, in seeming to make amoralism of this kind incoherent, when in fact it is not – the amoralist, the externalist argues, is a perfectly conceivable creature, and we are not guilty of any conceptual error in taking him seriously as a threat.⁶⁹

And on the background meta-ethical issue, philosophers have often been attracted to internalism because it seems most naturally to go along with an anti-realist position in ethics, since this most easily explains why the truth of a moral judgement depends on the motivational status of the agent: for example, on an expressivist view, moral facts are themselves grounded in the attitudes, desires and passions of agents, where these are states that motivate the agent to act, so it is clear why the internalist claim might hold. On the other side, therefore, realists have generally been wary of accepting internalism in this form, fearing that to do so will push them into an anti-realist stance.

Here, then, we again have a debate where it is possible to be pulled both ways. For, even if the externalist is right to claim that there is not something wholly inconceivable in a person forming a moral judgement about an action and yet not being moved to so act, on the other hand the internalist seems right to point out that there is *something* curious in this situation that needs to be explained. And even if the externalist is right that amoralist moral scepticism is not incoherent in every respect, on the other hand it would be good to have something to say to such a sceptic along internalist lines. And while the realist might be right to be wary of internalism, this does not in itself count as an argument against it, so that to anyone who is *not* a realist, it might instead count in its favour.

⁶⁸ For a thorough discussion of the relation between internalism and moral scepticism, see Superson 2009: 127–59.

⁶⁹ Cf. Brink 1989: 46–50.

Now, from the perspective of Kant's position as I have characterised it, I think we are in a position to diagnose this debate, and see how it is that there is something plausible in both sides. This diagnosis hinges on the distinction we have drawn between rightness or goodness on the one hand, and obligatoriness or duty on the other, a distinction which (as we have seen) relates closely to Kant's contrast between the holy will and a will such as ours. For, I will argue, this enables Kant to be an internalist at the level of obligation and duty, while being an externalist about the right and the good, and thus once again allows him to combine elements from both positions, and so resolve the impasse between them.

When it comes to obligation or duty, as we have seen, Kant holds that these arise for wills such as ours because our non-moral inclinations are in some sort of tension with our moral motivations, in a way that does not happen for a holy will, which is only ever motivated to act morally. It follows from this account, therefore, that for a person to judge or see that they have an obligation or duty to ϕ , they must have at least some motivation to ϕ , as otherwise no such tension could arise. Kant's position on obligation and duty is therefore at least weakly internalist, in the sense that it is committed to there being at least some degree of motivation to ϕ in the agent who has ϕ -ing as their duty or obligation, whether or not that motivation will always ultimately be the one that wins out. To this extent, therefore, the Kantian can agree that there is something indeed incoherent in acknowledging a duty or obligation and failing to acknowledge any motivation to do it, which fits with the internalist's intuitions about some of the cases; and he can agree about the absurdity of the sceptic who claims to see he ought to do ϕ , or that ϕ is his duty, but not to have any motivation to ϕ : to grasp the former, he must have the latter, for the former involves a tension between *that* motivation and some other.

On the other hand, Kant can also accommodate externalist concerns that embracing internalism can take us too far: for, as we have seen, Kant's hybrid account allows him to distinguish between moral notions like duty and obligation on the one hand, and notions like the right and the good on the other, and so to hold that while the internalist may be right about the former, the externalist is right about the latter. For, while the internalist's position might well fit with imperatival concepts like duty and obligation, for Kant it is possible also to conceive of moral concepts that do not take this imperatival form, so that judgements involving such concepts need assert or imply nothing

about the agent's motivations, but can be employed and made true in an externalist manner. This, then, allows room for an externalist treatment of actions that are right and good for the agent to do, while combining this with an internalist treatment of actions that are obligations or duties for the agent. Moreover, this means that Kant can respect internalist intuitions about the sceptic who ascribes moral properties like duty and obligatoriness to her actions, as such properties would seem to have motivational considerations 'built in'. At the same time, however, it can also make space for externalist intuitions concerning the sceptic who only ascribes to them properties like rightness or goodness: for nothing in the moral properties of the right or the good involves this internal relation to motivational forces in the way that it does for obligatoriness and duty, on Kant's picture. And Kant need not therefore claim that the amoralist about the right and the good, who accepts that an act has these features but lacks any motivation to so act, can be ruled out on the grounds of misusing the relevant concepts or failing to make a judgement.

Moreover, we can also see how Kant can offer a more complex treatment of the relation between internalism and externalism on the one hand, and anti-realism and realism on the other. For, just as his anti-realism operates at the level of obligatoriness but not at the level of the right and the good, so too his internalism operates only at that level and not the second; he therefore shows how the realist can safely embrace internalism about some aspects of the moral, in so far as this does not in itself force him to become an anti-realist all the way down.

In these respects, it is interesting to compare Kant's position with that of W. D. Falk on such issues. Falk, of course, is widely credited with first crystallising the whole externalism/internalism debate, both in terms of the distinction itself, and also how it relates to wider meta-ethical issues, such as the contrast between realism and anti-realism. However, it has less often been noted that Falk seems to adopt a view that, like Kant's, operates at different levels and so is equally hybrid in defending an internalism and anti-realism about obligation and duty, and an externalism and realism about the right and the good. This has been obscured, I think, because the subsequent debate has often focused on moral properties or judgements in general rather than on duty and obligation in particular, in a way that means this distinction of levels gets lost – so that it is not properly appreciated that when Falk talks about internalism, it is really an internalism about *obligation* that he is speaking about, not about *all* moral properties.

This feature of Falk's position comes out particularly clearly in his article 'Obligation and Rightness'.⁷⁰ In this paper, Falk's basic aim is to question whether Ross (and to a lesser degree Prichard), in providing an account of rightness, can also claim to have accounted for moral obligation. Falk does so by contrasting rightness and goodness as states of affairs external to the subject, with duties and obligations, which involve the subject feeling '*internally constrained* to do the act in question'.⁷¹ It is for this reason that Falk thinks that 'when we try to convince another that he ought to pay his bills, we expect our argument if accepted to affect a change of heart in him, though it may still not change his outward actions'.⁷² Falk therefore argues that the good and the right can be no more than the *ground* of what is obligatory, and should not be confused with obligatoriness as such:

The nature of the things which we are obliged to do contains only the *grounds*, but not yet the *essence* of moral obligation. What alone can render a prospective action obligatory is that an agent is in some manner impelled to do it, or that he thinks he would be so impelled if he reflected ... Hence, what makes the good act a duty is not the bare fact that it would be good when done, but the fact that the thought of it is related to ourselves in a special manner; and even if it were the case that ultimately none but good acts were obligatory, their goodness would be no more than the *ground* of a separate obligation to do them ... The same argument applies to rightness or fittingness.⁷³

In distinguishing the right and the good from duty and obligation in this way, Falk, like Kant, appears to adopt a hybrid view; and this means his position can contain both internalist and externalist elements.

Thus, Falk is willing to accept an externalist position like Ross's and Prichard's when it comes to the right and the good. He argues, however, that this should not be confused with obligation and duty, which has a different logical form from the right and the good, which involves taking into account the motivations of the agent when attributing to them any obligation and duty:

Here it is interesting to note that the belief that obligations are independent existents is in some manner fostered by the suggestiveness of language. 'Having an obligation' or 'being under an obligation' suggests a state of affairs existing for an agent, yet not merely in relation to

⁷⁰ Falk 1945. This is one of Falk's earliest papers, and perhaps for this reason it was not included in his collection of papers (Falk 1986) – and therefore is correspondingly little discussed.

⁷¹ Falk 1945: 138. ⁷² Falk 1945: 141. ⁷³ Falk 1945: 145.

him. But to 'have an obligation' is not like 'having money in the bank'; to be 'under an obligation' is not like being 'under a shower' or 'in the water'. If anything it is like 'having an impulse', 'having an obsession', or 'being in trouble'. For the second set of expressions we can substitute assertions about individual states of mind, like 'being impelled', 'being obsessed', or 'being troubled', for the first we cannot. I have no doubt that 'having an obligation' ranks with the second. The possibility of substituting for it the expression 'being obliged' is a clear clue to this. Strictly speaking, there is nothing that can be called *an obligation*. What we think of when we use the term is *that agents are obliged by the thought of them*, or *that the thought of actions obliges agents to do them*. We think not of an *entity*, but of a *relation* between agents, the thought of actions, and the doing of actions.⁷⁴

Falk therefore argues that '[t]o oblige is to affect, to be obliged is to be affected'.⁷⁵ But it is important to note that he is talking *only* about obligation here, not the right and the good as such, where he raises no objection to the realist accounts of this offered by Ross and Prichard; his objection is just to treating the two normative levels in the same manner, and so treating law and duty as if they were inherent 'in the nature of things'.⁷⁶ Falk rightly (in my view) characterises his position as Kantian, both to the extent that '[t]o Kant the very existence of a duty was inseparable from the existence of a motive', as providing 'some real check on [a person's] freedom to act otherwise',⁷⁷ and because like Kant he traces the 'must' of obligation back to the conflict between reason and desire, and the limitations of the human will.⁷⁸ Thus, when Falk comes to argue in his later papers that there is a certain incoherence in moral scepticism that the externalist cannot acknowledge, and that the externalist cannot account for the absurdity of being faced with someone who accepts that ϕ -ing is their duty but questions whether they have any motivation for doing so, it is important to remember that Falk (like Kant) is pressing the force of these internalist considerations just at the level of duty and obligation, so that nothing here commits him to internalism about the 'ground' of obligation, which is the right and the good; and in so far as internalism has any affinity with anti-realism, nothing commits him to anti-realism about this 'ground' either.

⁷⁴ Falk 1945: 143. ⁷⁵ Falk 1945: 143.

⁷⁶ Falk 1950: 69/1986: 180. ⁷⁷ Falk 1947–8: 121/1986: 29.

⁷⁸ Cf. Falk 1950: 74/1986: 184, and 1944: 8–9/1986: 168–9.

Divine command and natural law theories of obligation. Finally, I think we can now see how it is that Kant occupies an unusual position in relation to the traditional debate between divine command and natural law theories of obligation, and thus why his account has been hard to classify.

Where his position resembles that of the natural law theorist is in the way that he treats what is right as independent of any direct act of will, and so to this extent he can agree with Leibniz that the moral law is not authored and is as fixed and necessary as the fundamental principles of mathematics or geometry. On the other hand, he can also agree with the divine command theorist that some account is needed of what it is that makes this law a constraint and something that binds us. If the natural law theorist treats this as stemming from a concern with our own good, the position threatens to become too eudaimonistic and to make the imperatives of morality merely hypothetical; but if it just posits that obligatoriness as inherent in things, the position threatens to become too mysterious, while also putting God under such obligations in a way that the voluntarists abhorred. Kant, therefore, can offer an explanation of the nature of this obligatoriness which neither traces it back to a concern with our own interests, nor posits it as inherent in things in a puzzling way, or in a manner that puts God under moral obligations just like us; he can therefore preserve a crucial distinction between the human and the divine on the one hand, without making us subordinate to the divine or rendering God's will arbitrary on the other.

Thus, to the extent that Kant's position separates out obligatoriness from what it is that is obligatory, it most resembles the kind of 'intermediate' theory of figures such as Suarez and Culverwell. However, his position also differs from theirs, because they still offered a divine command account of how the good or right comes to have an obligatory force, whereas for Kant it comes not from an external will, but from the structure of *our own* wills, and the way in which our non-moral inclinations set up a resistance to acting morally that then makes it appear to us that the moral action is required or binding. Thus, whereas Suarez and others offer what might be called a 'positive' account by grounding obligatoriness in a divine will, Kant gives a 'negative' one, arguing that this obligatoriness is an appearance (though of course none the less real *to us* for that), and so a function of our perspective on morality. For Kant, therefore, it would be misguided and misleading to offer a positive account by appealing to the divine will, however much we

may then need to introduce such a will in order to 'complete' morality in other respects, out of which (as we have seen in the previous chapter) a different and harmless picture of God as the author of obligation may then emerge.

This hybrid position, then, enables Kant to overcome the tension between obligatoriness on the one hand, and autonomy on the other. For, as we have seen, his concern was that by treating God as the source of obligatoriness, we will render the will heteronomous, so that both the voluntarist and intermediate divine command positions are problematic in this respect. To this extent, a natural law account is to be preferred; but then it fails to explain what it is that makes the right obligatory to us. Kant's position, therefore, tries to offer an explanation, but because it does not rely on any external will to do so, it dissolves the threat to our autonomy that arises when that obligatoriness is given a source beyond ourselves, as on the divine command approach. To this extent, then, constructivist interpreters of Kant are right to see him as moved by the argument from autonomy, and as offering a way out that can be characterised as involving a notion of 'self-legislation'. But, as we have also seen, this is only an anti-realist account of obligatoriness, combined with a realism about what it is that *is* obligatory, so to that extent they are wrong to hold that Kant's anti-realism goes all the way down, and that the argument from autonomy led him into a constructivism about values.

Interpreters such as Schneewind and others are therefore perfectly correct to stress the importance of autonomy to Kant's ethical thought; they are just mistaken in the implications they draw from it. But this is not to minimise the significance and originality of Kant's position in anyway: as we have seen, it remains a position that is hard to assimilate to any of the traditional options in the debate, and stands out as an extremely elegant response to the competing demands that any such position needs to meet, given the assumptions with which Kant was working. Thus, it remains the case that Kant's ethical thought takes the tradition in a new direction, even if it is not the same as the one it is said to follow on the standard story, as on my account the starting point raises a different set of issues for Kant's successors from the one that this story assumes. It is those issues that we will now go on to explore, where the hope is that this new reading of Kant will enable us to reach a better understanding of the direction of post-Kantian ethics.

PART II

HEGEL

HEGEL'S CRITIQUE OF KANT (VIA SCHILLER)

We turn now from Kant to his successors. We have already discussed how on the standard account, the central difficulty he is said to have bequeathed them is the Kantian paradox of self-legislation: namely, how to make sense of a legislative will that relies on no prior order of values, without rendering that willing empty from a normative point of view. On the account of Kant's position that I have offered above, however, this is no longer the central difficulty: for, I have argued, Kant's position allows for just such a prior order of values. The standard story, of course, holds that Kant's concerns about autonomy rule out an appeal to any such values; but, I have also argued, it would be wrong to follow the standard story here as well.

Aside from avoiding the problem of emptiness, the other problematic aspects of the self-legislation picture also look different on the account I have offered. The first of these concerns how self-legislation could amount to genuine constraint, where it would seem to remain in the power of the self to declare itself unbound at any time. On the hybrid account, however, this difficulty can be avoided, for the will is not in the Euthyphro-situation whereby it is free to make anything obligatory; and the only way to free itself from the constraining force of the moral law would be for it to become like the holy will, rather than to just set that law aside in a voluntaristic manner. The other problem for the self-legislation picture concerned how there could be such legislation without some part of the self having 'superior power' over another part, but where that power cannot be mere coercive force, but must be some sort of normative authority; but then, the question is, how can it get that normative authority if there is no prior set of values on which this authority can be based? Again, this is less of a difficulty on the hybrid account, as in constraining the will's

inclinations to act, the rational self can derive its authority from its capacity to discern what has moral value and to lead the subject to act on it, thereby explaining how the desiring self can be put under its control in a legitimate way.

However, while the hybrid account may avoid the difficulties associated with the standard way of understanding Kant's position, this does not mean that it is without problems of its own. For, as we have seen, the hybrid picture relies on the distinction Kant draws between the holy will and the human will, based on the idea that for us, there is always a pull against the moral course of action, which renders that action morally obligatory from the human perspective in a way that it would not be for the holy will. The account of obligation therefore rests on the idea that we are 'fallen' creatures, torn between an awareness of what is right on the one hand and inclinations to act differently on the other, for whom morality always therefore involves an element of resistance or struggle. The question for many of Kant's successors, then, and particularly for those in the romantic or idealist tradition, was whether this account of how we stand in relation to morality was acceptable, or whether it represents an unattractively dualistic and conflicted picture of our nature as moral agents – one that rendered nugatory Kant's way of dealing with the problem of moral obligation, whatever its advantages over the competing natural law or divine command accounts.

In this chapter, I will explore this concern further, by looking at the response to Kant in the work of Schiller and Hegel. In the next chapter, I will consider what position Hegel was led to in his attempt to go beyond Kant's treatment of obligatoriness and avoid what he took to be its problematic implications.

Schiller on moral beauty

Schiller serves as an important transitional figure here, I will argue, because while in many respects he follows Kant, and accepts a good deal of Kant's way of framing his solution to the problem of moral obligation, Schiller nonetheless made very vivid the kind of dualistic picture on which Kant relied, while being more despairing about that dualism than Kant was prepared to be. To use the familiar distinction that Schiller himself applied to Kant, while the letter of Schiller's position remains closer to Kant than many have supposed, the spirit informing that position is very different – and it is by imbibing that spirit that Hegel comes to challenge the letter of Kant's position as well.

Until relatively recently, the most significant contribution by Schiller to debates surrounding Kant's ethics was generally held to be his well-known and amusing epigram, poking fun at 'The Scruples of Conscience':

Gladly I serve my friends, but alas I do so with inclination
And I am therefore troubled that I am not really virtuous.
To which the reply is:
For this there is no other advice: you must seek to despise them
And so do with disgust what your duty commands.¹

Not unreasonably, Kantians have taken this as an objection to their hero, dismissing it as based on a gross misreading and distortion of his position; while those more sympathetic to Schiller have accepted the latter response, but argued that it was never intended as anything more than a jest, whose only serious point was to correct the common misreading of Kant by others, which Schiller is here caricaturing.² The Kantians are surely right to be dismissive of this as a serious criticism of Kant; and the Schillerians are also surely right to insist that the position of *their* hero should not be judged merely on the basis of this, but rather by looking at his main writings on ethical issues: namely, the so-called Kallias Letters; the short essay *On Grace and Dignity*; and of course Schiller's main philosophical work, *On the Aesthetic Education of Man*.³ It is to further consideration of these that we therefore now turn.

The Kallias Letters. In 1793, Schiller wrote a series of letters to his friend, Christian Gottfried Körner. These are known as the Kallias Letters [*Kalliasbriefe*], after the title of the essay on beauty that he told Körner he would write, but never did. The letters were published posthumously in 1848, in the *Weiner Jahrbücher der Literatur*. The letters are strongly marked by Schiller's encounter with Kant, whose work he had begun to read in 1787, engaging with it more closely in the spring

¹ Schiller (1943-): 1:357.

² On the Kantian side, see Beck 1960: 231; Paton 1967: 48-50; Prauss 1983: 240-59; Allison 1990: 180-4; Timmermann 2007: 152-4. On the Schillerian side, see Reiner 1951/1983; Wood 1999: 28-9; Beiser 2005: 169-90. For other recent discussions of the Kant/Schiller relation, see Gauthier 1997; Baxley 2003 and 2010; Roehr 2003; and Deligiorgi 2006.

³ Although I will only discuss Schiller's prose works, his poems are also of course relevant (particularly 'Das Ideal und das Leben' [1795], 'Die Künstler' [1789], and 'Die Götter Griechenlandes' [1788]), as well as his other writings.

of 1791. While beauty provides the focus of the letters, as always with Schiller this is strongly linked also with ethical themes.⁴

Not surprisingly, given the forceful impression made on him by the works of Kant that were available at this time,⁵ much in the letters is orthodoxly Kantian. Schiller thus follows Kant in distinguishing between formal and material principles, and in treating the latter as heteronomous, while also accepting Kant's transcendental conception of freedom: 'The only existing thing which determines itself and exists for itself must be sought outside of appearances in the intelligible world'.⁶ However, Schiller also introduces another notion of freedom, which is 'the autonomy of the sense-world [*Sinnlichen*]',⁷ or autonomy as this relates to the phenomenal and not the noumenal realm. Here, Schiller argues:

Judging an object as free in appearance depends simply on completely abstracting it from its grounds of determination (since not-being-determined-from-the-outside is a negative representation of being-determined-through-oneself, which is its only possible representation, because one can only think freedom and not recognize it, and even the philosopher of morals must make do with this negative representation of freedom). Thus a form appears as free as soon as we are *neither able nor inclined* to search for its ground outside it.⁸

Schiller thus turns from considering freedom at the noumenal level to freedom at the phenomenal level, or what he calls 'the autonomy of appearance [*Erscheinung*]',⁹ while arguing that 'only if it explains itself' in this manner is a form beautiful.¹⁰

Having taken this turn in the discussion, Schiller then makes a fateful step. For, in line with what he has said above, he now argues that when it comes to a *moral* act, this lacks autonomy when the agent must use her reason to *restrain herself* in some way; for now, in viewing that act, we *will* be inclined to think of the action as having a ground or some process that brought it about, rather than 'explaining itself' or 'being-determined-through-itself' – for the self has been divided into parts that stand in an explanatory relation to one another. Thus,

⁴ For a general discussion of the tradition of 'aesthetic morality' that Schiller is drawing on here, and his place within it, see Norton 1995, especially Chapter 6.

⁵ For an account of Schiller's reading of Kant in this period, see Beiser 2005: 37–46.

⁶ *KL* 26:193 (p. 155). ⁷ *KL* 26:194 (p. 156).

⁸ *KL* 26:193 (p. 155). ⁹ *KL* 26:194 (p. 156). ¹⁰ *KL* 26:194–5 (p. 156).

Schiller comments: 'When the form of the non-reasonable [*nicht-vernünftig*] is determined by reason (theoretical or practical, both are the same here), its natural determination is constrained, and beauty cannot arise'.¹¹ On the other hand, Schiller suggests, when the whole self is expressed and engaged in moral action, then it can be experienced as beautiful.

Now, in order to show Körner more clearly what he is getting at here, Schiller undertakes to 'tell [him] a story'.¹² The story concerns a man who has been robbed, and left naked and injured on the street in the cold. He is passed by travellers on five occasions, and on each occasion the travellers react differently to his plight. The first traveller responds with empathy to his suffering ('I suffer with you'), but cannot bring himself to help on his own behalf as the appearance of the injured man revolts him, so he offers him some money so that he can pay some other people to help him instead. This traveller is criticised for meaning well, but for not being prepared to overcome his 'tender senses' and do his 'duty to humanity' [*Menschenpflicht*], where he only acted to the extent that he was emotionally moved by the plight of the man. Schiller comments: 'What was this action? It was neither useful, morally generous nor beautiful. It was merely impulsive, kind-hearted out of affect'. A second traveller then appears, who complains that saving the injured man will cost him time and money, but who offers to do so if he is compensated. Of this traveller Schiller writes: 'And what was this action? It was neither generous nor dutiful, neither magnanimous nor beautiful. It was merely useful'. A third traveller comes by. He stands there 'battling with himself'. On the one hand, he needs his coat and horse himself, as he too is cold and ill; on the other hand, he sees that 'duty commands that I serve you', and so reluctantly agrees to help. Schiller says of this third traveller: 'This action was *purely moral* (but also no more than that), because it occurred against the interests of the senses, out of pure respect for the law'. Now two travellers arrive, who recognise the injured man as an enemy of theirs that they had been looking for, to seek revenge for a misfortune he has brought on them. The injured man expects them to kill him; instead they offer to help him, but without forgiving him. Their help is therefore rejected by the injured man, who says: 'I would rather die a miserable death

¹¹ KL 26:195 (p. 156).

¹² KL 26:195 (p. 157). Subsequent quotations in this paragraph come from KL 26:195-7 (pp. 157-8).

than to owe such an enemy my life'. Finally, the injured man sees yet another traveller carrying a heavy load, who he resolves to let go past, having been disappointed thus far. However, on this fifth occasion, the traveller drops his burden and rushes to help 'as soon as the wanderer sees him', offering to take the injured man to the next village, at the risk of having his own belongings stolen by abandoning them on the street. 'But what will become of your load which you leave here on the open road?', the injured man asks him. This traveller replies: 'That I don't know, and it concerns me little ... I do know, however, that you need help and that I owe it to you to give it to you'.¹³ Schiller concludes this letter to Körner by saying 'Greetings from all of us here. In the meantime, think about why the action of the carrier was *beautiful*'.

In the letter that he writes to Körner the next day, Schiller spells out what he takes to be the moral of the story:

The beauty of the fifth action must lie in that characteristic which sets it apart from all the previous ones.

(1) All five wanted to help; (2) most of them chose an adequate means for the job; (3) several of them were willing to have it cost them something; (4) some overcome their own self-interest in order to help. One of them acted out of the purest moral purpose. But only the fifth acted *without solicitation*, without considering the action, and disregarding the cost to himself. Only the fifth forgot himself in his action and 'fulfilled his duty with the ease of someone acting out of mere instinct'. Thus, a moral action would be a beautiful action only if it appears as an immediate [*sich selbst ergebenden*] outcome of nature. In a word: a free action is a beautiful action, if the autonomy of the mind and the autonomy of appearance coincide.

For this reason the highest perfection of character in a person is moral beauty brought about by the fact that *duty has become its nature*.¹⁴

Schiller goes on:

Clearly the violence against our drives which practical reason brings to bear on our moral determination of will appears as something insulting and embarrassing. *We never want to see coercion, even if it is reason itself which exercises it*; we want even nature's freedom to be respected because 'we regard every being in aesthetic judgement as an end in itself' and it disgusts (outrages) us, for whom freedom is the highest thing, that

¹³ Translation modified. The original reads: 'Ich weiß aber, daß du Hilfe brauchst und daß ich schuldig bin, sie dir zu geben'.

¹⁴ *KL* 26:198 (p. 159).

something should be sacrificed for something else, and used as a means. That is why a moral action can never be beautiful if we observe the operation through which it is won from the sensory-world. Our sensory nature must thus appear free, where morality is concerned, although it is really not free, and it must appear as if nature were merely fulfilling the commission of our drives by subjugating itself to the mastery of the pure will, at the expense of its own drives.¹⁵

In this way, Schiller makes transparent the intended lessons of his tale of the travellers and the injured man which he had told Körner in the previous letter.

It should be obvious from what he says that he offers here an implied criticism of Kant, but also a position that still tries to remain close to Kantian orthodoxy, and where the criticism is meant to be an internal one. For, Schiller had earlier written to Körner that '[i]t is certain that *no* mortal has spoken a greater word than this Kantian word, which also encapsulates his whole philosophy: determine yourself from within yourself'.¹⁶ This, Schiller says, represents an important break from those 'religiously orientated thinkers of moral philosophy',¹⁷ who put the source of morality in God. However, Schiller is also criticising Kant for not going far enough in the conception of autonomy that he had pioneered; for although he has avoided placing God over us as an external source of constraint, he has instead introduced the internal constraint of reason in its place, which takes away from our autonomy in its own way, and in a manner that is equally insulting and demeaning.

Kant adopts this position, Schiller holds, because he does not take seriously enough the possibility of the kind of beautiful action exemplified by the fifth encounter with the traveller: that is, he does not accept that in a moral action, the agent may act fully in accord with his 'sensory nature', and so achieve an 'appearance of freedom' – even though, Schiller accepts, Kant is right that considered transcendently this can never be anything *more* than an appearance and not real freedom. The case here, it is worth emphasising, is different from the well-known Kantian examples in Section 1 of the *Groundwork*, of the philanthropic lover of mankind and of the cold-hearted follower of duty, to which Schiller's epigram contentiously refers: for the issue

¹⁵ *KL* 26:198 (p. 159) (my emphasis). Cf. also 'Die Künstler', lines 83–3: 'The heart that she guides with gentle bonds disdains to be led in servility by duties'.

¹⁶ *KL* 26:191 (p. 153). ¹⁷ *KL* 26:191 (p. 153).

here is not whether or not it takes away from the moral value of an action that it is done from the pleasure or satisfaction of so acting,¹⁸ or (conversely) that a person is only truly moral if they can find no pleasure or satisfaction in the moral action when it is done. Schiller is thus neither defending a certain hedonistic view of moral action contra Kant, nor accusing him of an extreme rigorism which sees no connection at all between morality and any sense of well-being that the agent may derive from it. Thus, it is important to the telling of his story that Schiller does not inform us at all about how much inner satisfaction the final traveller does or does not derive from acting well, and whether the anticipation of such satisfaction provides him with his motivations: for, unlike the first traveller, there is no motivational role here given to 'affect'. Instead, the key difference between the final traveller and the others, and of course particularly the third, is that on seeing the situation of the injured man, he realises that the right thing to do is to provide help as this is what is needed, and nothing in him speaks against acting in this way. The issue this raises for Schiller, therefore, is whether as moral agents we can be more like the holy will, which does not act morally because it thereby gains satisfaction, or out of inclination, but also does not have to *resist* any non-moral inclinations in doing so, and so does not act *against them*: both sides of the agent's nature are therefore in alignment in this respect.

Now, although Schiller does not mention him explicitly, it is hard not to hear echoes here of Aristotle's conception of the virtuous agent, both in the story Schiller tells, and in the contrast he draws with Kant. As is well known, in the *Nicomachean Ethics*, Aristotle makes a distinction between six types of moral character, in ascending order of value: brutishness, vice, incontinence, continence, virtue, and superhuman virtue.¹⁹ The extreme ends of the scale scarcely apply to us and so receive little discussion, where the brute is more like an animal than a human being, and the supremely virtuous being is more like a god; the former are wholly within the grip of their depraved desires with

¹⁸ As Kant characterises the cases he discusses, the contrast is between someone who does what is right because they are 'so sympathetically attuned' that 'they find an *inner satisfaction* in spreading joy around them and can *take delight* in the satisfaction of others so far as it is their own work', and a person who does what is right without this bringing them any sense of happiness of this kind, and thus without any inclination in its favour (*GMM* 4:398, pp. 53–4 (my emphasis)).

¹⁹ *NE* Book VII, §1, 1145a15–1145b21, pp. 1808–9. (I have largely used the translation found in Aristotle 1984, with some modifications (most obviously, the use of 'virtue' as the translation of *arête*, rather than 'excellence')).

no real capacity for ethical training, while the latter are the opposite, in being so good as not to require any such training and hence seeming to be born of the gods rather than of man. Between these two, lie four states of moral character to which almost all humans are prone, and which thus interest Aristotle the most. The worst of these four is vice, where reason and appetite are in harmony in pursuing the wrong ends. For the incontinent individual, by contrast, the rational part of their nature aims at the right end, but the non-rational part does not, and so there is a conflict in which the non-rational part generally wins. For the continent person, there is also conflict of the same kind, but here the rational part triumphs over the non-rational part. Finally, for the virtuous person, these two parts of the soul are in harmony, where both are directed at the right end, and so speak with the 'same voice'.²⁰

Now, as we shall see, Aristotle's classification here and his position as a whole are not without their complexities. But for the moment, it is natural to read Schiller's story and its moral in Aristotelian terms, and see the third traveller who proposes to act 'against the interests of the senses, and out of pure respect for the law' as merely continent, and the final one who acts with no sense of struggle against his non-moral inclinations as properly virtuous. And other aspects of Schiller's position here are also recognisably Aristotelian, particularly his emphasis on considerations of *character*; and his suggestion that duty or right action has '*become its nature*' for the virtuous person, echoing Aristotle's conception of the *second nature* that can be instilled in us through habit and training,²¹ overlaying our 'first' nature but in a way that enables us to act morally without effort or struggle, with the two parts of our soul aligned.

On Grace and Dignity. While such themes are aired in the letters to Körner, they are made even more explicit in Schiller's short treatise *On Grace and Dignity* [*Über Anmuth und Würde*], which appeared in the *Neue Thalia* later in the same year, in June 1793. As in the Kallias Letters, ethical and aesthetic issues are intertwined, both in Schiller's characterisation of grace and dignity themselves, and in

²⁰ NE Book I, §13, 1102b28, p. 1742. Cf. also Book I, §8, 1099a10–21, p. 1737; Book I, §13, 1102b13–28, p. 1737; Book III, §11, 1119a11–20, p. 1766; Book VII, §2, 1146a10–12, p. 1810; Book VII, §9, 1151b34–1152a7, p. 1820.

²¹ NE Book II, §1, 1103a14–1103b26, pp. 1742–3.

his characterisation of the 'beautiful soul' [*die schöne Seele*]. The work itself is divided into two halves, the first of which deals with grace and the second with dignity, while in aesthetic terms the former is linked to the beautiful and the latter to the sublime. As we shall see, while Schiller's conception of grace echoes the critique of Kant that we found in the Kallias Letters, his introduction of the notion of dignity considerably complicates and may seem to soften that critique; and it is certainly a mistake to judge Schiller's position in relation to Kant here only on the basis of what he says about the former and thus about the 'beautiful soul'.²²

The basic contrast behind Schiller's distinction between grace and dignity reflects the distinction between the third traveller in the story he sent to Körner and the final one: that is, in dignity there is a conflict between reason and the non-rational parts of the agent, whereas in grace there is harmony, where again it is natural to map this distinction onto Aristotle's contrast between continence and virtue respectively. Schiller thus considers there to be three ways in which the rational and non-rational aspects of a person may interrelate:

Humans either suppress the demands of their sensuous nature in order to have a proper relation to the higher demands of their rational nature; or they reverse this and subjugate the rational part of their being to the sensuous, and thus respond only to the prod that natural necessity uses to mobilize them as well as other appearances; or the impulses of the

²² I think this is a weakness of Anne Margaret Baxley's otherwise helpful essay (Baxley 2003), which focuses mainly on what Schiller has to say about grace, where what he then says about dignity is then noted briefly towards the end, but not really taken up (see p. 510); however, this discussion is developed further in Baxley 2010. Kantian critics of Schiller have also not always given sufficient weight to the second part of the essay; so, for example, Jens Timmermann declares that 'Kant was a dualist, Schiller a monist' (Timmermann 2003: 154) on the basis of Schiller's discussion of grace, without seeing that Schiller's discussion of dignity shows that he treats this as an ideal (much like the holy will), and so is as arguably as much of a dualist about *our* natures as Kant ever was. As David Pugh has rightly warned, 'In their reading of *Über Anmut und Würde*, scholars have focused on the history of physical grace and moral beauty at the expense of their opposites, dignity and moral sublimity. This approach gives rise to a one-sided picture of Schiller as a devotee of beauty and harmony, a somewhat mannered picture that used to feature prominently in standard accounts of Weimar Classicism but that is hard to square with Schiller's accomplishments as a tragedian. The elements of indecision and logical strain in the text of *Über Anmut und Würde* are glossed over in this selective reading, causing it to appear a more serene and integrated piece of writing than it really is' (Pugh 1996: 240).

sensuous settle into harmony with the rules of the rational and human beings are at one with themselves.²³

In a Platonic manner, Schiller compares these three possibilities to three ways in which a state may be governed:

The first of these relationships between the two natures in the human is reminiscent of a *monarchy* in which the ruler's strict surveillance bridle every free stirring; the second is like a wild *ochlocracy*, in which the citizen, by refusing obedience to the rightful supremacy, fails to gain freedom, just as the human constitution, by suppressing moral self-motivation, fails to become beautiful; instead, he becomes a victim of the more brutal despotism of the lowest classes, just as form falls victim to mass. Just as *freedom* lies in the centre between anarchy and the suppression of law, we now find *beauty* in the middle between *dignity*, that is to say, the expression of dominant mind, and *lust*, as the expression of dominant impulse.²⁴

Schiller first explores this middle ground, before going on to discuss dignity as the more autocratic position in the second part of the essay.

Schiller starts by stating his agreement with Kant, that while we can feel pleasure in following our reason, in acting morally we do not follow it in order to gain any such pleasure, but act morally for its own sake.²⁵ He also agrees that Kant is right to hold that in assessing whether a person has performed a moral action, any consideration of how far they were inclined by their desires to act in the way that they did should be set aside.²⁶ Thus far, therefore, Schiller shows himself

²³ *GD* 20: 280 (p. 147).

²⁴ *GD* 20:281–2 (p. 148). Cf. also *GD* 20:278–9 (pp. 145–6).

²⁵ Cf. *GD* 20:282 (p. 148): 'In order to become the object of inclination, obedience to reason must deliver a source of enjoyment, because the impulse is only set in motion by pleasure or pain. In common experience it is the other way round, and pleasure is the reason for acting rationally. We have to thank the immortal author of the Critique [i.e. Kant], to whom fame is due for having reestablished healthy reason out of philosophical reason, for the fact that morality has finally stopped using this language'.

²⁶ Cf. *GD* 20:283 (p. 149): 'For, because ethical behavior is not about the *legality* of the deeds but only about the *dutiful nature* of the attitude, it is right not to set any store by the observation that in the first case it is usually advantageous if the inclination is aligned with duty. This much seems certain, that sensuousness, in bestowing approval, may not actually make the dutiful nature of the will suspicious, but it is at least not in a position to *vouch for it*. The sensuous expression of this approval in grace will never bear adequate and valid witness to the ethical nature of the action in which it appears, and one will never learn of the moral worth of an attitude or action from the beautiful way it

to be in every sympathy with Kant's discussion of the relation between duty and inclination in Section I of the *Groundwork*.²⁷

However, the discussion now takes a less Kantian turn, from what makes an *action dutiful* to what makes a *person virtuous*. In order for virtue to be achieved, Schiller argues, a greater degree of harmony between reason and inclination is required, and only then will the 'ethical spirit' of the individual be truly realised:

Firmly persuaded as I am – and just because I am persuaded – that the part played by inclination in a free action demonstrates nothing about the purely dutiful nature of this action, I believe I can conclude *from this* that the ethical perfection of the human being can only become clear precisely because of the part played by inclination in moral actions. The human being is not destined to perform individual ethical actions but to be an ethical being. *Virtue* is prescribed for him, rather than *virtues*, and virtue is nothing other than 'an inclination for duty'. However much actions from inclination and actions out of duty stand opposed to one another in an objective sense, this is not the case in the subjective sense, and humans not only *may*, but *should* combine enjoyment with duty; they should obey their reason with joy. Not in order to discard it like a burden or shrug it off like a course covering, no, their purely

is presented'. As Baxley 2010: 88 points out, Schiller here appears to foreshadow Paton's emphasis on Kant's 'method of isolation' in the *Groundwork*: see Paton 1967: 47.

²⁷ Schiller's also shows his sympathy with Kant in his essay 'On the Sublime', where Schiller contrasts the person who 'finds his delight in practicing justice, beneficence, moderation, constancy, and good faith' and the same person who through misfortune finds this delight has evaporated, but who still continues to act virtuously. Of the former Schiller asks 'though he may inspire us with affection, are we quite sure that he is really virtuous?', while of the latter he says: 'It is this revelation of the absolute moral power which is subjected to no condition of nature, it is this which gives to the melancholy feeling that seizes our heart at the sight of such a man that peculiar, inexpressible charm, which no delight of the senses, however refined, could arouse in us to the same extent as the sublime' (*OS* 21:43–5 (p. 105)). These latter comments are very reminiscent of Kant's remarks in Section III of the *Groundwork*. Cf. also this passage from 'On the Necessary Limitations in the Use of Beautiful Forms': 'The man who enjoys a continual prosperity never sees moral duty face to face, because his inclinations, naturally regular and moderate, always anticipate the mandate of reason, and because no temptation to violate the law recalls to his mind the idea of the law. Entirely guided by the sense of the beautiful, which represents reason in the world of sense, he will reach the tomb without having known by experience the dignity of his destiny. On the other hand, the unfortunate man, if he be at the same time a virtuous man, enjoys the sublime privilege of being in immediate intercourse with the divine majesty of the moral law; and as his virtue is not seconded by any inclination, he bears witness in this lower world, and as a human being, of the freedom of pure spirits!' (*NLBF* 21:27 (p. 179)).

intellectual nature is accompanied by a sensuous one so that the sensuous can agree as closely as possible with the higher self. In that it made him a rational, sensitive being, that is, a human, nature gave the human being notice of his obligation not to separate what it had bound together and, even in the purest expressions of his divine part, not to neglect the sensuous, and not to base the triumph of the one on the subjugation of the other. Only when it gushes forth from *mankind as a whole* as the combined effect of both principles, *when it has become his nature*, is the ethical spirit secure, since, as long as the ethical spirit still employs *force*, the natural impulse has to respond to it with *strength*. The enemy who has merely been *laid low* can get up again, but the one who is *reconciled* has been truly overcome.²⁸

In claiming here that virtuous human beings should go along happily or joyfully with their moral actions, Schiller is not rejecting what he takes to be Kant's central point, that moral actions should not be guided by one's inclinations or feelings; rather, he is objecting to the suggestion that in being guided by reason in acting morally, the virtuous person will always undergo some experience of struggle and so will go against their sensuous self, which means that they cannot undertake the action naturally and with ease or joy – where this makes it hard to see that the pleasure that even Kant allows can come from acting morally can indeed obtain in this case (except, perhaps, the strenuous pleasure of a really hard task having been successfully completed, and the satisfaction of extirpating thereby a troublesome part of oneself).²⁹

Having opened up this point of disagreement with Kant, which largely reflects his position in the Kallias Letters, Schiller suggests that it only arises from the rather extreme way in which Kant himself presented his position, which (Schiller fully accepts) was perfectly justified by the dialectical situation of the time, where it was necessary to respond forcefully to the threat of eudaimonism and hedonism in ethics.³⁰ Thus, Schiller writes, Kant was 'the *Draco* of his time, because

²⁸ *GD* 20:283–4 (pp. 149–50).

²⁹ Cf. *CPtR* 5:117–19 (pp. 234–5), where Kant remarks in a Stoic manner on the 'contentment' that can come from 'mastery over one's inclinations, hence of independence from them and so too from the discontent that always accompanies them' (5:119 (p. 235)).

³⁰ Cf. also *OS* 21:52 (p. 109): 'Away then with that false theory which supposes falsely a harmony binding well being and well doing'.

he did not regard his time as worthy of a *Solon* or yet able to receive one'.³¹ And yet, Schiller goes on:

How were the *children of the house* at fault, if he was only concerned about the *servants*? Must an unselfish emotion in the noblest of breasts come under suspicion just because impure inclinations often usurp the name of virtue? Just because the moral weakling would like to introduce a certain *laxity* into the law of reason, to make it a toy for his own convenience, does this mean that a *rigidity* has to set in, transforming the most powerful expression of moral freedom into merely an honorable kind of servitude? Does the truly ethical human have a freer choice between self-regard and self-reproach than the slave of the senses between pleasure and pain? Is there perhaps less pressure on a pure will than on a depraved one? Does mankind have to be accused and humiliated simply by the *imperative* form of the moral law, and does the most sublime document of its greatness also have to be a certification of its frailty? Could one indeed, in this imperative form, have avoided a situation where a prescription given by humans to themselves as rational beings and therefore binding only on them and compatible only with their feeling of freedom took on the appearance of an unfamiliar and positive law – an appearance that could be reduced only with difficulty, because of their *radical* tendency (of which they stand accused) to work against it?³²

In this complex series of rhetorical questions, Schiller is clearly challenging the Kantian to avoid the complaint that he has exaggerated the difficulties we face in living the moral life, and the effort that this requires, albeit as part of Kant's laudable campaign to defeat the false impression of the time, that morality consists in nothing more than acting in accordance with our desires and interests. In seeking to uphold the imperatival force and obligatory nature of the moral law, the question is, has Kant overdone the dualism that he introduces to explain it?

Having commented that '[h]uman nature is a more coherent whole in reality that a philosopher, who can only achieve results through separation, is permitted to reveal',³³ Schiller moves on to give his

³¹ *GD* 20:285 (p. 151). Schiller adopts a similar attitude in *AE* 6th Letter, §13, 20:327 (pp. 41,43), praising Kant's achievements as stemming from a necessary rationalism, while suggesting that this rationalism now needs to be replaced by a more balanced position, if it is not to do more harm than good.

³² *GD* 20:285–6 (p. 151).

³³ *GD* 20:286 (p. 152). Cf. also *AE* 1st Letter, §4, 20:310 (p. 5): 'Like the analytical chemist, the philosopher can only discover how things are combined by analyzing them, only lay bare the workings of spontaneous Nature by subjecting them to the torment of his own techniques'. This concern that an 'analytic' method falsifies the

well-known account of the 'beautiful soul', in which rational and non-rational elements are in such harmony that the agent can allow herself to be led entirely by her sensibility and inclination: 'One refers to a beautiful soul when the ethical sense has at last so taken control of all of a person's feelings that it can leave affect to guide the will without hesitation and is never in danger of standing in contradiction to its decisions'.³⁴ While conceding to Kant that 'the actions of the beautiful soul are not themselves ethical', because not carried out through duty, Schiller claims that 'the character as a whole is so', because it is truly virtuous:

The beautiful soul has no other merit besides being. It carries out humankind's most exacting duties with such ease that they might simply be the actions of its inner instinct, and the most heroic sacrifice that it exacts from natural impulse appears to the eye as a free operation of this impulse. This is why the beautiful soul itself never knows about the beauty of its actions and it does not even occur to it that one could act and feel differently. A pupil well-schooled in the rules of ethics, as required by his master's instructions, on the other hand, will always be ready to give a precise account of the relation between his actions and the law. His life will resemble a drawing in which one can see the rules behind the precise lines and from which at most an apprentice could perhaps learn the principles of art. In a beautiful life, however, all the sharp dividing lines disappear, as in a painting by *Titian*, and yet the whole impression comes across more faithfully, more harmoniously, and truer to life.³⁵

Finally, Schiller argues, it is just this harmony that gives the beautiful soul *grace*: 'It is in a beautiful soul that sensuousness and reason, duty and inclination are in harmony, and grace is their expression as

unity of the phenomena it studies was shared by Goethe and others: cf. *Faust Part One* lines 1936–41, which were quoted by Hegel on several occasions (*EL* §38Z 8:110 (p. 63), and *EN* §246Z 9:21 (II, p. 202)): 'Who would study and describe the living, starts / By driving the spirit out of the parts: / In the palm of his hands he holds all the sections, / Lacks nothing, except the spirit's connections. / Encheirisis naturae ['manipulating nature'] the chemists baptize it, / Mock themselves and don't realise it' (Goethe 1963: 199).

³⁴ *GD* 20:287 (p. 152).

³⁵ *GD* 20:287 (pp. 152–3). Cf. also *KL* 26:217 (p. 174): 'But a character, an action, is not beautiful if it shows the sensual nature of the person who is its recipient under the coercion of law, or constrains the senses of the viewer. In this case the actions will produce mere *respect*, not favour or a good disposition; mere respect humbles the person who receives it'.

appearance'.³⁶ After some musings about the way in which grace is more particularly associated with women than men, this section of the work then closes.

However, having seemed perhaps to offer the beautiful soul as his alternative to the Kantian position, Schiller's discussion now takes what may then appear to be a surprising course, which apparently brings him back closer to Kant again, as he moves from grace to *dignity* in the second part of the work.

He begins by arguing that while human beings have the *task* of achieving the kind of harmony required by grace, and thus this beauty of character, it is nonetheless 'only an idea that they can vigilantly strive to live up to, yet, despite all efforts, can never fully attain'.³⁷ This is because, Schiller claims, our natural selves are primarily driven by the desires to attain pleasure and to avoid pain, which will therefore mean that this aspect of ourselves will always find itself running up against the requirements of morality, no matter how much we can do to bring these desires under our control. It is in exercising control in this way that the human being displays *dignity* rather than grace, and the aesthetic quality of *sublimity* rather than beauty:

And since nature, for ethical reasons, never withdraws her demands, and therefore everything on her side remains the same, no matter how the will behaves in relation to her, so here there is no agreement

³⁶ *GD* 20:288 (p. 153).

³⁷ *GD* 20:289 (p. 154). Cf. also 'Das Ideal und das Leben': 'If human sin confronts the rigid law / Of perfect truth and virtue, awe / Seizes and saddens thee to see how far / Beyond thy reach, perfection; – if we test / By the ideal of the good, the best, / How mean our efforts and our action are! / This space between the ideal of man's soul / And man's achievement, who hath ever past? / An ocean spreads between us and that goal, / Where anchor ne'er was cast! / But fly the boundary of the senses – live / The ideal life free thought can give; / And, lo, the gulf shall vanish, and the chill / Of the soul's impotent despair be gone! / And with divinity thou sharest the throne, / Let but divinity become thy will! / Scorn not the law – permit its iron band / The senses (it cannot chain the soul) to thrall / Let man no more the will of Jove withstand, / And Jove the bolts let fall!' Given Schiller's position here, it is curious to find Henry Allison drawing such a sharp contrast with Kant, on the grounds that for the former the beautiful soul is obtainable by human beings, whereas for the latter the holy will is not: see Allison 1990: 183: 'This emphasis on human finitude likewise accounts for the radical gulf separating Kant's problematic conception of holiness from Schiller's superficially similar conception of a beautiful soul. Reduced to its essentials, the difference consists in the fact that whereas the latter is conceived as a moral condition obtainable by human beings through a moralization of the inclinations (the development of an inclination to duty), holiness is a purely regulative idea to be approached asymptotically but never obtained by a finite rational agent'.

possible between inclination and duty, between reason and sensuousness; so humans cannot here act with their whole nature in harmony, but only with their reason. In such cases, then, they also do not act with *moral beauty*, because inclination necessarily has to participate in the beauty of action as well, but here it stands in conflict. But they do not act with *moral greatness* because all those things and only those things are great that give evidence of superiority of the higher faculties over the sensuous ... Control of impulses through moral strength is *spiritual freedom*, and its expression in appearance is called *dignity*.³⁸

Thus, unlike Kant's holy will, we as human beings cannot count on being naturally good, or having a '*virtue born of temperament*': for in us this would be a virtue that relied on the fortunate alignment of morality and our interests, which can come apart at any time. Reason might be willing to cede control to sensuousness when this alignment occurs; but it will always need to be prepared to take back this control when it does not, thus reflecting a disposition which is sublime and dignified, rather than beautiful and graceful. Returning, then, to the analogy with the state that he had offered earlier, Schiller contrasts the liberality of moral beauty with the autocracy required of dignity.³⁹

Now, at this point it may seem that Schiller has gone back entirely to an orthodox Kantian position. For he may now appear to be agreeing with Kant that while human beings can achieve moral action and a virtuous disposition, this must always involve a struggle by reason with their non-moral inclinations; and while he has introduced the contrast between this and what is required for grace, by treating the beautiful soul who possesses this quality as no more than an ideal, it may also appear that Kant has no reason to disagree with him, as Kant can likewise claim that his ideal of the holy will has a similar harmony that we can only admire and try to model ourselves on, without every really hoping that it can be attained. It may thus seem that the discussion

³⁸ *GD* 20:293–4 (p. 158). Cf. *OS* 21:42 (p. 103): 'In the presence of beauty we feel ourselves free, because the sensuous instincts are in harmony with the laws of reason. In presence of the sublime we feel ourselves sublime, because the sensuous instincts have no influence over the jurisdiction of reason, because it is then the pure spirit that acts in us as if it were not absolutely subject to any other laws than its own'.

³⁹ Cf. *GD* 20:296–7 (p. 160): 'In dignity, then, the mind conducts itself in the body as *ruler*, because there it has to assert its independence against domineering instinct, which proceeds without it, and would like to escape from its yoke. In grace, on the other hand, the mind governs with *liberality*, because it is the mind that sets nature in action here, and it finds no opposition to quell. Leniency is due only to the obedient, however, and only *opposition* justifies severity'.

here in *On Grace and Dignity* is much less clearly opposed to Kant than the one in the Kallias Letters, whereby the critical power of the opening section on grace is softened and brought more into line with Kant by the subsequent discussion of dignity.

However, it is important to remember that the beautiful soul is a rather special case, which does not just have a harmony between 'sensuousness and reason, duty and inclination', but has it to such a degree that all control of the will can in this being be given over to its sensuous and natural side, and reason can stand back entirely, knowing here that inclinations can be trusted to be on the side of right action without its authority needing to be imposed. In treating the beautiful soul as an ideal, then, Schiller can be read as merely claiming that for creatures like us, such trust would always be misplaced and foolish, as non-moral inclinations can always arise; as a result, reason must always be vigilant and remain in control.⁴⁰ It may of course be true, Schiller notes, that we would expect a virtuous individual to be able to put faith in his sensuous side to *some* extent, and to be able to rely on it not to run amok entirely;⁴¹ but we would also not expect a responsible human being to put faith in it altogether, at the expense of abandoning all rational vigilance over his inclinations and desires.⁴²

⁴⁰ Cf. *NLBF* 21:27 (p. 179): 'These are the dangers that threaten the morality of the character when too intimate an association is attempted between sensuous instincts and moral instincts, which can never agree in real life, but only in the ideal'. And cf. *OS* 21:53 (p. 109): 'Without the beautiful there would be an eternal strife between our natural and rational destiny. If we only thought of our vocation as spirits we should be strangers to this sphere of life. [But] Without the sublime, beauty would make us forget our dignity. Enervated – wedded to this transient state, we should lose sight of our true country. We are only perfect citizens of nature when the sublime is wedded to the beautiful'.

⁴¹ Cf. *GD* 20:287 (p. 152): 'A person does not make a good impression on me if he can trust the voice of his impulse so little as to feel obliged to test its tone against that of moral principles; one respects him more highly if he confidently trusts it and is not in danger of being misled by it'.

⁴² As Rosalind Hursthouse has rightly stressed, there is much common ground between the Aristotelian and Kantian pictures in this respect: 'In short, [for Aristotle] the emotions of sympathy, compassion, and love, viewed simply as psychological phenomena, are no guarantee of right action, or acting well. There is nothing about them, *qua* natural inclinations, which guarantees that they occur "in complete harmony with reason", that is, that they occur when, and only when, they should, towards the people whose circumstances should occasion them, consistently, on reasonable grounds and to an appropriate degree, as Aristotelian virtue requires ... Kantians and Aristotelians agree on the fact that [Kant's happy philanthropist, who acts out of inclination and not from duty] ... cannot be relied upon to act well' (Hursthouse 1999: 102).

Thus, because from a human perspective, the model of the beautiful soul is really rather extreme, this explains something that has puzzled many commentators⁴³ – which is that Schiller now brings his discussion of grace and dignity *together*, to suggest on the one hand that grace is at least achievable for us *in part*, while on the other hand this means that dignity can be incorporated *into* a picture of virtue, to which otherwise it would remain alien. The implied criticism of Kant, therefore, is not that he saw dignity where there is *only* grace, but that he saw *only* dignity where there is *also* grace.

Thus, having considered a character that is either all about grace or all about dignity, Schiller then proceeds subtly to explore the way in which both aspects of character can and should be displayed by human beings, who cannot (given the nature of their desires) always be expected to act morally without any sense of control over those desires being required, but who also can be expected to so act on occasions; and while Kant does full justice to the first aspect of our moral lives, Schiller can still be viewed as criticising him for not properly accommodating the latter, and so not seeing that considerations of duty are not *always* appropriate for virtue, even in limited moral creatures such as ourselves.

So, Schiller argues, there can be circumstances in which, if a person displays no struggle with their inclinations in acting ethically, and thus no dignity, then this would suggest to us that he is taking the matter too lightly, as we would expect anyone to find the situation challenging; on the other hand, there are cases where we would expect a person not to undergo any struggle in opting for the ethical course of action, so here we would criticise him for lacking grace. There are, then, norms of human behaviour that guide us in these judgements, where those norms reflect an awareness of what human desires and inclinations standardly are, and how far they do and do not generally align with the moral course of action. We would therefore expect a person in a situation of great danger to feel some resistance in acting to save others, and so would not criticise them for displaying dignity rather than grace; equally, we would not expect a person who was asked by someone for their help, who is perhaps their friend or lover, or who can deliver that help with no great cost to themselves, to find that they

⁴³ Cf. Norton 1995: 243, who comments on Schiller's claim that grace and dignity must be united: 'With that statement, Schiller quite simply abdicated the domain governed by the laws of logic and rational argument and fled into a world of his own creation'.

feel a desire to do otherwise that pulls against the moral action, so that in this sort of case we *would* criticise them for lacking grace. As Schiller puts this idea: 'In general, the law is valid here that humans should do everything with grace that can be carried out within humanity, and everything with dignity that requires going beyond humanity'.⁴⁴

By introducing this complexity, and thus by complicating the simple picture of grace in the first part of his essay, Schiller may here seem to be compromising the Aristotelian picture with which the essay began and which is implicit also in the Kallias Letters. But in fact, it is arguable that this subsequent discussion merely deepens the connection to Aristotle, who himself introduces a similar kind of complexity into his account of continence and virtue. For, while Aristotle sometimes presents the contrast along the lines outlined above, where virtue consists in desire and reason being in straightforward alignment and continence consists in their being in some sort of tension, in fact the cases that Aristotle discusses are rarely that simple, and are closer to Schiller's approach.⁴⁵ Thus, while in the case of temperance, Aristotle does not expect the temperate individual to have to resist the desires he has to act intemperately,⁴⁶ in the case of the brave man who is risking

⁴⁴ *GD* 20:298 (p. 162).

⁴⁵ For a discussion of some of these complexities of Aristotle's position, see Foot 1978: 1–18. She introduces her discussion of those complexities as follows: '[W]e both are and are not inclined to think that the harder a man finds it to act virtuously the more virtue he shows if he does act well. For on the one hand great virtue is needed where it is particularly hard to act virtuously; yet on the other it could be argued that difficulty in acting virtuously shows that the agent is imperfect in virtue: according to Aristotle, to take pleasure in virtuous action is the mark of true virtue, with the self-mastery of the one who finds virtue difficult only a second best. How then is this conflict to be decided? Who shows most courage, the one who wants to run away but does not, or the one who does not even want to run away? Who shows most charity, the one who finds it easy to make the good of others his object, or the one who finds it hard?' (Foot 1978: 10). Cf. also Hursthouse 1999: 91–107, and Broadie 1994.

⁴⁶ Cf. *NE* Book VII, §2, 1146a10–17, p. 1810: 'Further, if continence involves having strong and bad appetites, the temperate man will not be continent nor the continent man temperate; for a temperate man will have neither excessive nor bad appetites. But the continent man *must*; for if the appetites are good, the state that restrains us from following them is bad, so that not all continence will be good; while if they are weak and not bad, there is nothing admirable in resisting them, and if they are weak and bad, there is nothing great in resisting these either'. Cf. also Book III, §11, 1119a11–20, p. 1766: '[The temperate man] neither enjoys the things that the self-indulgent man enjoys most – but rather dislikes them – nor in general the things that he should not, nor anything of this sort to excess, nor does he feel pain or craving when they are absent, or does so only to a moderate degree, and not more than he should, nor when he should not, and so on; but the things that, being pleasant, make for health or for good condition, he will desire moderately and as he should, and also other pleasant things if they are not hindrances to these ends, or contrary to what is noble, or beyond

his life or serious injury, Aristotle thinks he remains fully brave and virtuous, despite not wanting to be killed or wounded and having to compel himself to fight regardless of these desires⁴⁷ – so to do what he sees as his duty, we might say.

Thus, much as Aristotle also seems to allow in these cases, Schiller stresses that while grace is a kind of ideal, we will as human beings combine elements of both: 'If grace, supported by architectonic beauty, and dignity, supported by strength, are *united* in the same person, then the expression of humanity is complete in that person, and he stands there, justified in the world of spirit and affirmed in appearance. The two legislations are in such close contact here that their boundaries flow together'.⁴⁸ Schiller thus runs through a number of cases where grace and dignity should both find a place, where 'it is only from grace that dignity acquires recognition and only from dignity that grace acquires value'.⁴⁹ Thus, for example, he claims that '[o]ne demands grace from a person who places obligations, and dignity from someone who is placed under an obligation',⁵⁰ and that '[o]ne should criticize a mistake with grace, and confess one with dignity',⁵¹ because otherwise, if you confess it with grace it will look like you take correcting it to be to your advantage, while if you make the criticism with dignity, it will look like you don't care enough about the wrongdoing yourself.

his means. For he who neglects these conditions loves such pleasures more than they are worth, but the temperate man is not that sort of person, but the sort of person that right reason prescribes', and Book III, §12, 1119b13–17, p. 1767: 'Hence the appetitive element in a temperate man should harmonize with reason; for the noble is the mark at which both aim, and the temperate man craves for the things he ought, as he ought, and when he ought; and this is what reason directs'.

⁴⁷ Cf. *NE* Book III, §9, 1117b7–10, p. 1764: 'death and wounds will be painful to the brave man and against his will, but he will face them because it is noble to do so or because it is base not to do so'. Cf. also *NE*, Book III, §7, 1115b11–13 and 1115b17–19, p. 1761: 'Now the brave man is not as dauntless as man may be. Therefore, while he will fear even the things that are not beyond human strength, he will fear them as he ought and as reason directs, and he will face them for the sake of what is noble; for this is the end of virtue ... The man, then, who faces and who fears the right things and with the right aim, in the right way and at the right time, and who feels confidence under the corresponding conditions, is brave'. See also *EE* Book III, §1, 1128b39–1129a7, p. 1946.

⁴⁸ *GD* 20:300–1 (p. 163). Cf. also *OS* 21:53 (p. 109): 'Without the beautiful there would be an eternal strife between our natural and rational destiny. If we only thought of our vocation as spirits we should be strangers to this sphere of life. Without the sublime, beauty would make us forget our dignity. Enervated – wedded to this transient state, we should lose sight of our true country. We are only perfect citizens of nature when the sublime is wedded to the beautiful'.

⁴⁹ *GD* 20:300 (p. 163). ⁵⁰ *GD* 20:299 (p. 162). ⁵¹ *GD* 20:299 (p. 162).

A final and particularly interesting example of where Schiller stresses the complementary nature of grace and dignity concerns the relation of love on the one hand, and respect on the other – where of course respect is a notion that Kant famously made much use of, while seeming to be comparatively dismissive of the claims of love.⁵² As one might expect, Schiller particularly associates love with grace, and certainly praises it highly as a result. However, Schiller emphasises at the same time that love for us can also be a selfish emotion, and one that can involve self-deception about the true worth of the beloved – which is why love should also be tempered by respect.⁵³ And at the same time, respect without love can become servility and fear, so that both are in the end required for us. As Schiller summarises his position: ‘Dignity prevents love from becoming desire. Grace protects respect from becoming fear’. Here, Schiller’s claim is not just that the different attitudes of love and respect will be required in different situations and circumstances,⁵⁴ but that they will need to be combined *at all times* (as it were), to prevent the other lapsing into desire on the one hand or servility on the other – or at least, they will need to be so combined by *us human beings*, for in a higher creature, no such lapsing of love into desire would occur, and so they could remain graceful without dignity, beautiful without sublimity.⁵⁵ Moreover, when it comes to the comparison with Kant, it is notable that he too characterises a relation like friendship in terms of this

⁵² Cf. *CPrR* 5:76 (p. 202).

⁵³ Schiller had previously discussed the relation between love and egoism in ‘The Theosophy of Julius’, which was published in 1786 as part of his *Philosophische Briefe*.

⁵⁴ This is Frederick Beiser’s suggestion on how grace and dignity can both be displayed by a single character. While that is certainly plausible in some cases, I think the example of love (which Beiser does not discuss) suggests that Schiller wanted the integration to be even closer, where both may be aspects of one and the same situation. For Beiser puts his view as follows: ‘What Schiller has to say about the complementary nature of grace and dignity makes perfect sense once we see that he is talking about different occasions or contexts of acting according to a single disposition ... [Schiller] thinks that we must act with dignity only in tragic circumstances, with grace in non-tragic ones’ (Beiser 2005: 115–6). A similar view is held by Lesley Sharpe: ‘In *Über Anmut und Würde* Schiller attempts a synthesis of the beautiful soul and the sublime by postulating the need for the beautiful soul, when under pressure, to evince dignity. Grace and dignity should, thus, alternate in the same person. This attempt to synthesize two arguably incompatible models, with the resulting logical problems, occurs again in the *Ästhetische Briefe* and *Über naive und sentimentalische Dichtung*’ (Sharpe 1995: 3).

⁵⁵ For more comments by Schiller on the dangers of a one-sided emphasis on love, see also *NLBF* 21:24–5 (pp. 177–8).

balance, speaking of it as 'the union of two persons through equal mutual love and respect'.⁵⁶

Thus, in so far as Schiller introduces no such complement to beauty in the Kallias Letters, and in so far as dignity involves a move in a more Kantian direction, *On Grace and Dignity* may appear to be a more Kantian work than the Letters, in acknowledging that for us, it is unrealistic to think that we might ever achieve a complete and stable harmony between the rational and sensuous sides of our natures, and thus that we might ever get beyond the experience of duty, even though this may on occasion be the case. We have seen, then, that Schiller presents both a powerful alternative to Kant's position in one way, but seemingly faithfully recapitulates it in another. That is, it may at first appear (and has so appeared to many) that in *On Grace and Dignity* he offers a critique of Kant, in setting up virtue as more admirable than duty; treating grace as more beautiful than dignity; in insisting that the relation of reason to inclination should be one of harmony and not discord; and allowing his moral ideal of the beautiful soul to retain a place for desires and inclinations, whereas Kant's ideal of the holy will appears to do without them altogether, at least in its 'infinite' form. On the other hand, Schiller makes clear that these are claims that only apply to what is for us a kind of eternal 'beyond', where as a result in reality the moral life for a human being must involve duty, dignity, and the autocracy of reason over inclination. And, of course, Kant himself said as much, for he too treated duty not as a characteristic of the good will in itself, but of the will 'under subjective limitations and hindrances',⁵⁷ while agreeing that the holy will is clearly superior to ours as an ideal. There is thus no dispute between Kant and Schiller that the very best moral life would be without such 'hindrances' – or that this differs fundamentally from the best moral life *for us*, and what differences that might involve in the nature of our moral experience. To this extent, then, *On Grace and Dignity* may seem to be a considerably more Kantian document than the Kallias Letters, even while containing elements similar to the latter, but treated now as a moral ideal.

However, much as in the Kallias Letters, in *On Grace and Dignity*, Schiller still insists on a degree of achievable harmony between reason and sensuousness, duty and inclination, even if that harmony cannot be made complete, to the extent that (like the beautiful soul) we

⁵⁶ *MM* 6:469 (p. 584).

⁵⁷ *GMM* 4:397 (p. 52).

can safely give control over to our 'natural' selves altogether. And of course, as the story of the Kallias Letters only presents us with the agent on one occasion, it is not clear that Schiller wanted to go that far here either, and so whether he really changed his mind in *On Grace and Duty*. In so far as it is only the more modest claim that Schiller needs in order to make his case against Kant (that grace *as well as* dignity can characterise our moral lives), and in so far as the Kallias Letters need involve no more than this in the contrast they draw between the third and final travellers, Schiller can consistently treat the beautiful soul as an ideal in *On Grace and Dignity* (as such a being acts *only* with grace), without abandoning the anti-Kantian impact of the essay entirely.

Aesthetic Letters. We may turn finally to Schiller's most significant philosophical writing, *On the Aesthetic Education of Man in a Series of Letters* of 1795. Although this work has a wider scope than those previously discussed, many of the themes that concern us still emerge strongly.

Adopting the language of drives (*Triebe*) which he took from Reinhold, in the twelfth letter Schiller distinguishes between the sensuous drive that encompasses sensations, feelings, and desire, and the form drive which relates to reason. His conception of these drives in the *Aesthetic Letters* is broader than the largely ethical distinction between inclination and reason suggested in the previous works; nonetheless, they still retain an ethical aspect, as does Schiller's insistence that they be harmonised, in a way that he again presents as going against the letter of Kant's system, if not its spirit.⁵⁸ Thus, in introducing the play drive [*Spieltrieb*] as a synthesis of the other two, Schiller writes that '[t]o the extent that it deprives feelings and passions of their dynamic power, [the play drive] will bring them into harmony with the ideas of reason;

⁵⁸ Cf. *AE* 13th Letter, §2 note, 20:348: (p. 87): 'In the Transcendental method of philosophizing, where everything depends on clearing form of content, and obtaining Necessity in its pure state, free of all admixture with the contingent, one easily falls into thinking of material things as nothing but an obstacle, and of imagining that our sensuous nature, just because it happens to be a hindrance in *this* operation, must of necessity be in conflict with reason. Such a way of thinking is, it is true, wholly alien to the *spirit* of the Kantian system, but it may well be found in the *letter* of it'. Cf. also *AE* 13th Letter, §2 note, 20:347–8 (p. 85): 'Once you postulate a primary, and therefore necessary, antagonism between these two drives, there is, of course, no other means of maintaining a unity in man than by unconditionally *subordinating* the sensuous drive to the rational. From this, however, only uniformity can result, never harmony, and man goes on for ever being divided. Subordination there must, of course, be; but it must be reciprocal'.

to the extent that it deprives the laws of reason of their moral necessitation [*Nötigung*], it will unite them with the interests of the senses'.⁵⁹ Moreover, as in *On Grace and Dignity*, Schiller treats the full reconciliation of the two drives as a kind of infinite task that cannot actually be realised by human beings:

Such reciprocal relation between the two drives is, admittedly, but a task enjoined upon us by Reason, a problem which man is only capable of solving completely in the perfect consummation of his existence. It is, in the most precise sense of the word, *the Idea of his Human Nature*, hence something Infinite, to which in the course of time he can approximate ever more closely, but without ever being able to reach it.⁶⁰

Schiller also associates the harmony between the drives with beauty,⁶¹ but rather than linking that strongly with the notion of grace and then contrasting this with dignity, he here says little about either notion;⁶²

⁵⁹ AE 14th Letter, §6, 20:355 (p. 99; translation modified). Cf. also AE 14th Letter, §5, 20:354 (p. 97): 'Both drives [i.e. the sense-drive and the form-drive], therefore, exert constraint upon the psyche; the former through the laws of nature, the latter through the laws of reason. The play-drive, in consequence, as the one in which both the others act in concert, will exert upon the psyche at once a moral and a physical constraint; it will, therefore, since it annuls all contingency, annul all constraint too, and set man free both physically and morally. When we embrace with passion someone who deserves our contempt, we are painfully aware of the *compulsion of nature*. When we feel hostile towards another who compels our esteem, we are painfully aware of the *compulsion of reason*. But once he has at the same time engaged our affection and won our esteem, then both the compulsion of feeling and the compulsion of reason disappear and we begin to love him, i.e., we begin to play with both our affection and our esteem'.

⁶⁰ AE 14th Letter, §2, 20:352–3 (p. 95). Cf. also AE 16th Letter, §1, 20:360 (p. 111): 'This equilibrium [between the sense-drive and the form-drive], however, remains no more than an Idea, which can never be fully realized in actuality. For in actuality we shall always be left with a preponderance of the one element over the other, and the utmost that experience can achieve will consist of an *oscillation* between the two principles, in which now reality, now form, will predominate'.

⁶¹ Cf. AE 15th Letter, §2, 20:355 (p. 101): 'The object of the play-drive, represented in a general schema, may therefore be called *living form*: a concept serving to designate all the aesthetic qualities of phenomena and, in a word, what in the widest sense of the term we call *beauty*'.

⁶² One of the few places where grace and dignity are mentioned is at the end of the fifteenth letter, where Schiller is discussing the Greeks, and where he emphasises the way in which they combined the two: 'It is not Grace, nor is it yet Dignity, which speaks to us from the superb countenance of *Juno Ludovisi*; it is neither the one nor the other because it is both at once' (AE 15th Letter, §9, 20:359 (p. 109)). The two notions also make a sonorous appearance at the very end of the book, where we are told that in the Aesthetic State, people will be as 'free alike of the compulsion to infringe the freedom of others in order to assert their own, as of the necessity to shed their Dignity in order to manifest Grace' (AE 27th Letter, §12, 20:412 (p. 219)).

and as a consequence, perhaps, there is also hardly any discussion in this work of the sublime.⁶³ And although Schiller in this work also says little here about virtue, he does distinguish between the 'moral condition' as involving a sense of duty and constraint, from the 'aesthetic condition' which does not, even though the latter is not arbitrary.⁶⁴

Two features of the *Aesthetic Letters* add an extra dimension to his discussion here, however. One is the comparison he makes between Greece and his contemporary world in the sixth letter, in an attempt to diagnose the ills of that world which Schiller had enunciated in the previous letters. Here he famously presents the Greeks as enjoying a greater harmony than us in the way in which the parts of the soul were related to one another, claiming that '[a]t that first fair awakening of the power of the mind, sense and intellect did not as yet rule over strictly separate domains; for no dissension had as yet provoked them into hostile partition and mutual demarcation of their frontiers'.⁶⁵ While in other works the comparison with the Greeks is also made,⁶⁶ Schiller presents his most explicit and elaborated connection here, although of course the contrast he draws between the Greeks and 'us Moderns' goes more widely than the merely ethical case.

A second feature that is new to the *Aesthetic Letters* is the political dimension Schiller gives to the discussion. This is present in the opening letters, where Schiller focuses on the social and spiritual crisis of the times, and considers whether the action of the state might resolve that crisis; Schiller claims clearly in letter seven, however, that this is impossible until a deeper spiritual reform has occurred, for which he thinks we must look to aesthetic education. Having developed his conception of that education in the main body of the work, he then briefly but significantly returns to its political implications at the end, and thus tells us what this new form of society or 'Aesthetic State' might be like. Here, he argues, the individual will no longer feel under the

⁶³ For further discussion of the relation between the *Aesthetic Letters* and Schiller's treatment of the sublime, see Pugh 1996: 304–17.

⁶⁴ Cf. *AE* 20th Letter, §4 note, 20:376 (p. 143; translation modified): 'our psyche in the aesthetic condition does indeed act freely, is in the highest degree free from all compulsion, but is in no wise free from laws; and ... this aesthetic freedom is distinguishable from logical necessity in thinking, or moral necessity in willing, only by the fact that the laws according to which the psyche then behaves *do not become apparent as such*, and since they encounter no resistance, never appear as a constraint'.

⁶⁵ *AE* 6th Letter, §3, 20:321 (p. 31).

⁶⁶ See, for example, the opening *GD* 20:251–6 (pp. 123–7), and 'Die Götter Griechenlandes'.

command of duty, in so far as his non-moral nature will no longer require any imposition or constraint:

No privilege, no autocracy of any kind, is tolerated where taste rules, and the realm of aesthetic semblance extends its sway. This realm stretches upwards to the point where reason governs with unconditioned necessity, and all that is mere matter ceases to be. It stretches downwards to the point where natural impulse reigns with blind compulsion, and form has not yet begun to appear. And even at these furthestmost confines, where taste is deprived of all legislative power, it still does not allow the executive power to be vested from it. A-social appetite must renounce its self-seeking, and the Agreeable, whose normal function is to seduce the senses, must cast toils of Grace over the mind as well. Duty, stern voice of Necessity, must moderate the censorious tone of its precepts – a tone only justified by the resistance they encounter – and show greater respect for Nature through a nobler confidence in her willingness to obey them ... In the Aesthetic State everything – even the tool which serves – is a free citizen, having equal rights with the noblest; and the mind, which would force the patient mass beneath the yoke of its purposes, must here first obtain its assent.⁶⁷

Thus, Schiller links his search for a harmony between reason and inclination with a kind of political programme, through which that harmony (along with many others) will be realised by the citizens of a community in which a process of aesthetic education has occurred – although, as ever, Schiller emphasises how difficult this may be for us to achieve, even while not quite making it an impossible ideal.⁶⁸

Schiller's position and its implications. In the previous discussion, we have traced the complex way in which Schiller appears both to depart from Kant and criticise him, but also to return to a Kantian position and largely follow it. It is therefore not surprising that it has proved hard for commentators to gauge the exact nature of their relation,

⁶⁷ *AE* 27th Letter, §11, 20:411–2 (pp. 217, 219).

⁶⁸ Cf. *AE* 27th Letter, §11, 20:412 (p. 219): 'But does such a State of Aesthetic Semblance really exist? And if so, where is it to be found? As a need, it exists in every finely attuned soul; as a realized fact, we are likely to find it, like the pure Church and the pure Republic, only in some few chosen circles, where conduct is governed, not by some soulless imitation of the manners and morals of others, but by the aesthetic nature we have made our own'.

where some have emphasised their antipathy,⁶⁹ while others have stressed their common ground.⁷⁰

However, although Schiller does indeed draw back from presenting a radical alternative to Kant's position in the form of the 'beautiful soul', nonetheless some of the difficulties that he creates for Kant can be seen in Kant's own efforts to respond to Schiller, and the way in which that response appears to miss the mark. Kant is known to have replied to Schiller in three places: in a long note added to the second edition of *Religion Within the Limits of Reason Alone*; in a brief discussion in the *Vorarbeiten* to that work which was not itself published; and in a reference to Schiller in the Vigilantius lectures on ethics – where all three are a reaction to *On Grace and Dignity*.⁷¹

In the footnote that appears in *Religion Within the Limits of Reason Alone*, Kant clearly shows himself to have been stung by Schiller's comments on his account of obligation, and the apparent suggestion that 'it carries with it the frame of mind of a Carthusian'.⁷² In response, Kant takes up what Schiller has to say about dignity as well as grace, and emphasises that while he cannot find a place for grace when it comes to duty, he is nonetheless happy to associate it with virtue. Thus, on the one hand, he insists that 'the concept of duty includes unconditional necessitation, to which gracefulness stands in direct contradiction', so that it is only appropriate to think of it in terms of dignity. On the other hand, while he treats virtue as 'the firmly grounded disposition to fulfill one's duty strictly', he allows that the virtuous character will take an attitude to the demands being placed upon them that is

⁶⁹ Cf. Reiner 1983: 41–9; Henrich 1965; and Baxley 2010, esp. pp. 85–123.

⁷⁰ Cf. Guyer 1996: 354: 'Schiller clearly shares with Kant the belief that moral approbation is directed most of all precisely to the activity of reason by which we elevate ourselves above passive nature. In the end, surely, the point of Schiller's twofold ideal of grace and dignity is not primarily to criticize Kant's ethics but to use his artistic powers to defend Kant's view, perhaps from the more scornful tendency within himself and certainly from the many critics who had ridiculed Kant's separation between happiness and virtue from the moment the *Groundwork* was published'.

⁷¹ Baxley plausibly argues that the section in *Metaphysics of Morals* on 'Ethical Ascetics' (*MM* 6:484–5 (pp. 597–8)) may also be taken to be addressed implicitly to Schiller, although he is not mentioned (see Baxley 2010: 104–6).

⁷² *Relig* 6:23 note (p. 72). Further references in this paragraph are to this note. See also *MM* 6:484–5 (pp. 597–8) and *Vorarbeiten zur Religion* 23:99. Cf. Schiller *GD* 20:284 (p. 150): 'In Kant's moral philosophy, the idea of *duty* is presented with a severity that repels all graces and might tempt a weak intellect to seek moral perfection by taking the path of a somber and monkish asceticism'.

'courageous and hence *joyous*'; so, rather than being 'weighed down by fear and dejected', the virtuous individual will relish the challenge posed to her by the demands of the moral life, much as Hercules relished the challenge posed to him by the monsters he must subdue, instead of 'shrinking back in fear and trembling' like the muses.⁷³ As a result, Kant suggests, while duty must be all about dignity, nonetheless 'the glorious picture of humanity, as portrayed in the figure of virtue, does allow the attitude of the graces'. Kant expresses the hope that by making his position clear to Schiller in this way, given their convergence 'upon the most important principles', this should be enough to secure his agreement concerning Kant's treatment of obligation, and defuse the accusation that he expects the virtuous individual to display a 'slavish frame of mind' bowed down by a resentment against the demands that the moral law places upon them.

Now, whether or not this expressed hope for concord was disingenuous, it seems clear that Kant has missed much of the force of Schiller's differences with him, both with respect to duty and with respect to virtue. For, although Schiller would indeed accept that duty *qua* duty cannot involve grace, the deeper question for him is whether our experience of morality must always take this form, or whether (like the last traveller in the story from the Kallias Letters), we might be such as to act rightly without any sense of 'unconditional necessitation' much like the holy will, and thus in accordance with grace. And although Schiller would indeed accept that the virtuous person can and should view the struggle involved in acting morally in

⁷³ Kant also uses Herculean imagery in relation to virtue elsewhere: cf. *MM* 6:405 (pp. 533–4): 'strength is required [for virtue] in a degree which we can assess only by the magnitude of the obstacles that the human being himself furnishes through his inclinations. The vices, the brood of dispositions opposing the law, are the monsters he has to fight. Accordingly this moral strength, as *courage* (*fortitudo moralis*), also constitutes the greatest and the only true honor that man can win in war'. Cf. also *LE* 27:490 (pp. 259–60), where Kant accounts for the satisfaction we derive from having acted rightly by comparing it with what we experience after the accomplishment of a challenging task: 'the attraction we feel, after fulfilment of a duty, for the action itself ... is derivable ... from the cheer experienced on getting through work that has cost us trouble, and is evidence ... of the burdensomeness of duty'. Baxley takes Kant's emphasis on the joy and cheerfulness of the virtuous individual to show that 'there need be no actual (phenomenological) feeling of constraint at the time of action, because [the agent] does her duty from duty with a cheerful heart' (Baxley 2010: 133; cf. also 103). But I think Kant's Herculean model of virtue shows that this is too simplistic, as the joy comes precisely from *overcoming* these constraints. This issue will be discussed further in the Conclusion.

a positive light, the fundamental issue for him is whether the virtuous person need always be involved in such a struggle in the first place, and thus whether Kant's model of virtue amounts to anything more than continence.⁷⁴

It is perhaps no accident, however, that Kant does not identify these deeper challenges here, given his conciliatory strategy, as they make it much harder for him to claim common ground with Schiller – as he makes clear in his other, unpublished, responses to *On Grace and Dignity*, where he is more frank about their differences. Thus, Kant seems to have thought, the only way to prevent beings like us having to struggle against our inclinations in acting morally is for the moral action to be seen as attractive to our inclinations in some way;⁷⁵ but then, as we have seen, Kant holds that our actions would be lacking in autonomy (because guided by inclination and not reason), while also lacking moral worth. And likewise, when it comes to virtue, while Kant accepts a role for developing some inclinations (such as sympathetic feelings) to serve as allies for reason in overcoming our non-moral inclinations,⁷⁶ this does not make the conflict any less real for the virtuous agent. Thus, for Kant, Schiller's position involves a fundamental

⁷⁴ This charge is commonplace amongst virtue theorists and classicists: see, e.g. Nussbaum 2001: 172, where she writes that 'Kant thought that virtue must always be a matter of strength, as the will learns to keep a lid on inappropriate inclinations, rather like a good cook holding down a boiling pot'. Cf. also Annas 1995: 53. Schneewind gives voice to this view, though perhaps without endorsing it, when he writes: 'Kant sees virtue in a most un-Aristotelian way, as always a struggle, never a settled principle. Kant's vision of the divided self is the villain here, with morality springing from an impossibly pure reason in conflict with reprobate passions forever calling for discipline. Virtue is not so much the expression of our nature at its most developed as it is the triumph of one part of it over another' (Schneewind 1990: 61/2010: 199). For attempts to correct this picture, see Baxley 2008 and 2010. See also Rosler 2005: 125–9. Some of the issues raised here are discussed at greater length in the Conclusion.

⁷⁵ Cf. *LE* 27:490 (p. 259): 'if we wish, with Schiller, to assume a worth arising therefrom [i.e. from obeying the moral law], it is nothing more than man's respect for the moral law, and that provides no ground for supposing a charm that attracts us to fulfilling it. That is contradicted by the authority of the laws, which enjoins absolute obedience, and awakens resistance and struggle, which we perceive in fulfilling them'.

⁷⁶ Cf. *MM* 6:457 (pp. 575–6): 'But while it is not in itself a duty to share the sufferings (as well as the joys) of others, it is a duty to sympathize actively in their fate; and to this end it is therefore an indirect duty to cultivate the compassionate natural (aesthetic) feelings in us, and to make use of them as so many means to sympathy based on moral principles and the feeling appropriate to them. It is therefore a duty not to avoid the places where the poor who lack the most basic necessities are to be found but rather to seek them out, and not to shun sickrooms or debtors' prisons and so forth in order to avoid sharing painful feelings one may not be able to resist. For this is still one of the

confusion between the holy and the human will, treating the latter as if it were capable of being the former, and thus of avoiding the 'necessitation' of duty.⁷⁷ The interest of Schiller's work, however, is the way in which it seems to question the truth of these Kantian assumptions, by adopting a more Aristotelian model of the virtuous person. For, on this model, the virtuous agent can be viewed as one in whom (on some occasions, at least) base inclinations are simply *lacking* (as a result of their correct upbringing and moral education), so we do not need to assume (as Kant does above) that they have been 'trumped' by a contrary inclination that leads the agent to do what is right rather than what is wrong, or that in the virtuous individual, reason is required to marshal other inclinations to fight against them. On this model, then, we can claim with Schiller that reason and inclination are in harmony, without claiming that this harmony is achieved because the moral individual finds themselves with an inclination to do what is right that overcomes contrary inclinations; rather, this can also be achieved by someone who, as a result of the previous effects of proper habituation, now has no inclination drawing them away from what reason tells them is the right thing to do.⁷⁸

impulses that nature has implanted in us to do what the representation of duty alone might not accomplish'.

⁷⁷ Cf. the discussion of Schiller in the *Vorarbeiten* and the Vigilantius lecture notes, especially 23:100 and *LE* 27: 489–91 (pp. 258–60). For a passage that may seem more Schillerian, see *Relig* 6:58 (p. 102), where Kant says that we should not seek to 'extirpate' our natural inclinations in a Stoic manner, as there need not necessarily be anything 'reprehensible' about them. However, in fact, Kant's main point in this passage is not to claim that inclinations present no moral obstacle to us, but that the Stoics are wrong to make this the primary or central difficulty, which is with our will and its tendency to incorporate non-moral maxims, in a way that is the source of our radical evil: 'That is, the first really good thing that a human being can do is to extricate himself from an evil which is to be found not in his inclinations [as the Stoics wrongly thought] but in his perverted maxims and hence in freedom itself. Those inclinations only make more difficult the *execution* of the good maxims opposing them; whereas genuine evil consists in our *will* not to resist the inclinations when they invite transgression, and this disposition is the true enemy' (*ibid.*, note).

⁷⁸ *GD* 20:297 (p. 160): 'In grace ... the mind governs with *liberality*, because it is the mind that sets nature in action here, and finds no opposition to quell'. Cf. also Schiller's account of 'the late Duke Leopold of Brunswick, standing upon the banks of the raging waters of the Oder, [who] asked himself if at the peril of his life he ought to venture into the impetuous flood in order to save some unfortunates who without his aid were sure to perish', where Schiller writes that while the Duke's 'natural instinct' for self-preservation counselled otherwise, nonetheless once he had determined how he should behave using his reason, his 'susceptibility for the beautiful' meant that 'when reason gave the order, the feelings would place themselves on the same side, and he

And yet, given the complexities in his engagement with Kant, and his insistence that we treat this sort of agent as perhaps no more than an ideal anyway, Kant can scarcely be criticised for not seeing in Schiller the resources with which this sort of challenge to his position might be mounted, particularly when (as we have seen) Schiller himself did so much to emphasise his own desire to be accepted within the Kantian fold.⁷⁹ Nonetheless, whatever the final truth concerning where in the end Kant and Schiller stand in relation to one another, the fact remains that to Schiller's successors, and to Hegel in particular, this dialectic between them served to highlight the kind of dualism that Kant's solution to the problem of moral obligation seemed to require, and raised questions over whether this dualism was an appropriate way of conceiving of the human condition and our relation to the moral life. What Schiller made clear, therefore, was that Kant's account of the moral 'must' relies on taking this tension between reason and inclination seriously, as it is this tension that forms the basis for Kant's account of the kind of necessitation that duty involves; and like Kant himself, Schiller showed how a form of ethical engagement might be possible without this tension and thus without this necessitation – but where Kant had firmly put this possibility beyond us, Schiller had seemed to make it perhaps more realisable in part, even while following Kantian orthodoxy in also making its full realisation (as 'the beautiful soul') no more than an ideal. Because of the uncertainty surrounding his differences from Kant, however, Schiller therefore remains no more than a transi-

would do willingly that which without the inclination for the beautiful he would have had to do contrary to inclination' (*MUAM* 21:33–34 (pp. 97–8)). For further discussion of Schiller's position here, see Ives 1970.

⁷⁹ This goal can be seen clearly in his response to Kant in a letter of 13th June 1794, in which Schiller writes: 'Only the vitality of my desire to make the results of the moral doctrine established by you agreeable to a part of the public which seems to be fleeing from them even now, and the eager wish to reconcile a not unworthy part of humanity with the strictness of your system, could make me appear for a moment to be your adversary, a part for which I am in fact very little suited, and which I am still less inclined to play' (27:13). Cf. also *AE* 1st Letter, §3, 20:309–10 (pp. 3,5), where Schiller addresses Prince von Augustenburg in the first letter by telling him that 'it is for the most part Kantian principles on which the following theses are based', and that '[c]oncerning the ideas which prevail in the Practical part of the Kantian system only the philosophers are at variance; the rest of mankind, I believe I can show, have always been agreed' – all that makes these ideas seem problematic is their 'technical form'. However, as Beiser notes (Beiser 2005: 183), in letters to others Schiller places himself at a greater distance from Kant.

tional figure,⁸⁰ taking us to the considerably less equivocal position to be found in Hegel.

From Schiller to Hegel

Although Schiller is not accorded by Hegel the kind of detailed discussion that he offers other philosophers of the period in his *Lectures on the History of Philosophy* and elsewhere, there is nonetheless little doubting his influence on Hegel's thought. Schiller (in this respect like Goethe) is frequently mentioned, if not given any lengthy treatment, and invariably referred to in a very positive manner. Hegel's attitude is perhaps best summarised in his Introduction to the *Lectures on Aesthetics*, where he testifies forcefully to the power and impact of Schiller's attempt to resolve the dualisms of the modern world: 'This *unity* of universal and particular, freedom and necessity, spirit and nature, which Schiller grasped scientifically as the principle and essence of art and which he laboured unremittingly to call into actual life by art and aesthetic education, has now, as the *Idea itself*, been made the principle of knowledge and existence, and the Idea has become recognized as that which alone is true and actual'.⁸¹ Immediately preceding this statement, Hegel has summarised his understanding of the *Letters on Aesthetic Education* as involving the attempt to reconcile reason and nature in a way that leads to beauty; and this (Hegel notes) also reflects Schiller's position in the earlier essay *On Grace and Dignity*, where he remarks in this context of Schiller's praise there of women that occurs towards the end of the essay:

Now in the conflict of these opposite sides [viz. reason and nature], aesthetic education is precisely to actualize the demand for their mediation and reconciliation, since, according to Schiller, it proceeds by so developing inclination, sensuousness, impulse, and heart that they become rational in themselves; and in this way reason too, freedom, and spirituality emerge from their abstraction and, united with the natural element, now rationalized, acquire flesh and blood in it. The beautiful is thus pronounced to be the mutual formation of the rational and the sensuous, and this formation to be the genuinely actual.⁸²

⁸⁰ For a discussion of Schiller that emphasises how his commitment to an essential Kantian framework made it hard for him to develop his insights in a consistent manner, see Henrich 1982, esp. pp. 250–4.

⁸¹ LA 13:91 (I, pp. 62–3).

⁸² LA 13:91 (I, p. 62). Cf. also LA 13:17 (I, p. 4): '[Art] has frequently been recommended as a mediator between reason and sense, between inclination and duty, as a reconciler

This, we have seen, provides an accurate enough summary of Schiller's position on what the ideal of beauty might amount to, albeit transposed somewhat into more Hegelian language. It is notable in view of our subsequent discussion, however, that there is no mention here of dignity or of the sublime.

When it comes to Hegel's critical account of Kant's treatment of obligation, and how this rests on a dualism of reason and inclination, it is therefore no surprise that several aspects of that response relate back to Schiller. Five of these aspects can be highlighted: the contrast between the ethics of virtue and an ethics of duty; the contrast between ancient and modern ethics; the significance of love; the relation between this dualism and the social and political order in which the individual lives; and the suggestion that because of this dualism, Kant's notion of autonomy is limited and inadequate. I will discuss each of these aspects in turn.

From an ethics of duty to an ethics of virtue. As we have seen, an important element in Schiller's attempt to 'temper' the impression of harshness and dualism in Kant's ethics was to turn from considerations of duty to considerations of virtue, in a way that related back to a more Aristotelian way of viewing ethical life. Schiller thus ushered in a debate over whether Kant's picture is to be preferred over Aristotle's, and indeed over whether in the end there is such a fundamental difference between them, where both debates continue to this day.⁸³

Hegel follows Schiller in introducing a contrast between 'binding duty' and virtue, where the former 'appear[s] as a *limitation* ... to the drives of the natural will'⁸⁴ in a way that the latter does not, for virtue is '[t]he ethical, in so far as it is reflected in the naturally determined character of the individual as such'.⁸⁵ Much like Schiller, therefore,

of these colliding elements in their grim strife and opposition'. Hegel notes that in response, 'it may be maintained that in the case of these aims of art ... nothing is gained for reason and duty by this attempt at mediation, because by their very nature reason and duty permit no mixture with anything else; they could not enter into such a transaction, and they demand the same purity which they have in themselves'. Hegel finally deals with this objection prior to his discussion of Schiller: see *LA* 13:80–82 (1, pp. 53–5).

⁸³ See, for example, Sherman 1997.

⁸⁴ *PR* §149, 7:297 (p. 192). For a helpful discussion of Hegel's account of virtue, see Buchwalter 1992.

⁸⁵ *PR* §150, 7:298 (p. 193).

Hegel turns to Aristotle to find an alternative to Kant's dualism of reason and inclination:

So here we shall introduce the principal definitions pertinent to the will and to the concept of virtue [in Aristotle]. In defining the concept of virtue from a practical standpoint Aristotle distinguishes the soul's rational side from its irrational side. To the rational side belong judiciousness, prudence, knowledge, and wisdom in general. The other or irrational side encompasses sensation, inclination, and passion. And virtue consists in the unity of the rational side with the irrational side. When the inclinations, passions, and the like are so disposed towards λόγος or reason as to do what it commands, then we have virtue.⁸⁶

This alignment of reason and inclination in the virtuous person does not mean, Hegel points out, that such a person should just *follow* their inclinations without their reason playing a role; if this happens, and the individual does a good thing, the best they can be called is good hearted, not virtuous, because 'there is no virtue if insight is wanting [or] the λόγος is inferior, because *logos* is requisite for virtue'.⁸⁷ On the other hand, Hegel argues, while 'Socrates locates virtue simply in knowledge', for Aristotle 'goodness requires the presence of an irrational drive even though reason judges and determines the drive'.⁸⁸

Hegel also accords with Schiller in accepting an Aristotelian notion of habituation and second nature to go alongside this account of virtue. This allows for individuals to overcome their original, non-moral, inclinations and dispositions, and to replace them with ones that are moralised and so in accord with reason, in a way that is required on this model of the virtuous individual. Thus, Hegel declares, 'Education [*Pädagogik*] is the art of making human beings ethical: it considers

⁸⁶ LHP11 Hegel 1989: 92 (p. 255). Cf. also SC 1: 326 (p. 214): 'This expanded content [which Jesus identifies with righteousness] we may call an inclination so to act as the laws may command, i.e., a unification of inclination with the law *whereby the latter loses its form as law* [my emphasis] ... Similarly, the inclination [to act as the laws may command], a virtue, is a synthesis in which the law (which, because it is universal, Kant always calls something "objective") loses its universality and the subject its particularity; both lose their opposition, while in the Kantian conception this opposition remains, and the universal becomes the master and the particular the mastered. The correspondence of inclination with law is such that law and inclination are no longer different; and the expression "correspondence of inclination with the law" is therefore wholly unsatisfactory because it implies that law and inclination are still particulars, still opposites'.

⁸⁷ LHP11 Hegel 1989: 92 (p. 255). ⁸⁸ LHP11 Hegel 1989: 92 (p. 255-6).

them as natural beings and shows them how they can be reborn, and how their original nature can be transformed into a second, spiritual nature so that this spirituality becomes *habitual* to them'.⁸⁹ Along with Schiller, therefore, Hegel rejects the idea that we are good from birth and so from nature in that sense;⁹⁰ on the other hand, he thinks that our natural selves can be developed to become good, at first under the tutelage of reason and then in conformity with it.⁹¹ Hegel thus adopts a strongly anti-Rousseauian view of the value and methods of education, claiming that '[o]ne of the chief moments in a child's upbringing is discipline, the purpose of which is to bring the child's self-will in order to eradicate the merely sensuous and natural';⁹² only in this way, Hegel thinks, can the individual arrive at the *second* nature needed for virtuous behaviour.

Hegel thus follows Schiller in accepting that Kant's emphasis on duty is an important corrective to those who hold that we are somehow born with good dispositions or so are moral by nature in this sense. On the other hand, he does not see Aristotle's conception of virtue as making this mistake, while it in its turn acts as a corrective to

⁸⁹ *PR* §151Z, 7:302 (p. 195). Cf. *AE* 4th Letter, §3, 20:317 (p. 19): 'Hence it will always argue a still defective education if the moral character is able to assert itself only by sacrificing the natural'.

⁹⁰ For Schiller, cf. *AE* 3rd Letter, §5, 20:315 (p. 15), where Schiller characterises man's 'natural character' as 'selfish and violent'; and *AE* 24th Letter, §§2–7, 20:389–93 (pp. 173–9), where Schiller characterises man's natural state in amoral terms: 'Unacquainted as he is with his *own* human dignity, he is far from respecting it in others; and, conscious of his own savage greed, he fears it in every creature which resembles him' (*AE* 24th Letter, §2, 20:389 (p. 173)). For Hegel, cf. *PR* §151, 7:301 (p. 195): 'But if it is simply *identical* with the actuality of individuals, the ethical [*das Sittliche*], as their general mode of behaviour, appears as a *custom* [*Sitte*]; and the *habit* of the ethical appears as a *second nature* which takes the place of the original and purely natural will and is the all-pervading soul, significance, and actuality of individual existence [*Dasein*]; and *PR* §18Z 7:69 (p. 51): 'The Christian doctrine that man is by nature evil is superior to the other according to which he is good. Interpreted philosophically, this doctrine should be understood as follows. As spirit, man is a free being [*Wesen*] who is in a position not to let himself be determined by natural drives. When he exists in an immediate and uncivilized [*ungebildeten*] condition, he is therefore in a situation in which he ought not to be, and from which he must liberate himself. This is the meaning of the doctrine of original sin, without which Christianity would not be the religion of freedom'.

⁹¹ Cf. *LHP* 19:223 (II, p. 205): '[W]hen a beginning from virtue has been made, it does not necessarily follow that the passions are in accordance, since often enough they are quite the reverse ... But then the subject must, in this separation of his activity, bring likewise his passions under the subjection of the universal, and this unity, in which the rational is pre-eminent, is virtue'.

⁹² *PR* §174Z, 7:327 (p. 211). Cf. also *PR* §20, 7:71 (p. 52) and §187, 7:343–5 (pp. 224–6).

the Kantian morality of duty, which always sees a tension between our rational and natural capacities, even in the well brought-up and hence virtuous individual. As a result, he takes Aristotle to have arrived at the best account:

This is the correct definition. On the one side it involves suppression of the passions and on the other side it is directed against the ideal of virtue and also against the view that the inclinations, drives, and so forth are intrinsically good. Both these extreme views have [nevertheless] been put forward often enough in recent times. So, what is simply natural is no virtue, [even though] there is a saying that 'a human being who is fine and noble by nature is nobler than duty and far above it'. On the other side we find the view that duty should be done 'as duty', without taking other factors into account and without defining the particular as a moment of the whole.⁹³

Hegel thus refuses to set our 'drives' and our 'determinations of reason' against one another; rather, the goal is to bring them together within a whole, an aim that is stated clearly in the Introduction to his *Philosophy of Right*.⁹⁴

Ancient vs modern ethics. In Schiller, as we have discussed, this turn to an ethics of virtue is linked with a broader contrast between Greek and modern thought, where the dualism characteristic of the latter was seen as allowing an ethics of duty to emerge and to eclipse the Hellenic focus on virtue. Schiller, of course, was by no means the only one during this period to contrast the Greeks to 'us Moderns' in this way; but again, in leading him to adopt a similar view, Schiller was clearly an influence on Hegel, as were others (such as Wincklemann, Schelling and Hölderlin).⁹⁵ From Schiller in particular, Hegel learnt to see Kant as a representative of a distinctively modern turn, to which classical Greek thought represented a significant alternative, thanks to its more harmonious conception of the individual and their place

⁹³ LHP1 Hegel 1989: 93 (p. 256).

⁹⁴ Cf. PR§19 7:70 (p. 51): 'Underlying the demand for the *purification of the drives* is the general idea [*Vorstellung*] that they should be freed from the *form* of their immediate natural determinacy and from the subjectivity and contingency of their *content*, and restored to their substantial essence. The truth behind this indeterminate demand is that the drives should become the rational system of the will's determination; to grasp them thus in terms of the concept is the content of the science of right'.

⁹⁵ Cf. Pinkard 2000: 32–3. For more general discussion, see also White 2002: 10–16.

in the world. However, because of Schiller's remaining admiration for Kant, Hegel also learnt from him to see the Greeks as possessing this harmony in an 'immediate' way, as a result of a kind of intellectual and social innocence and immaturity, so that the idea of returning to this lost golden age could only ever be a superficial solution to the problems we face in overcoming the dichotomies of modernity.

Schiller's attitude is nicely reflected in a passage from his marginal notes to an essay by Wilhelm von Humboldt, an attitude that is equally recognisable in Hegel:

Are not those three stages which we can distinguish in all empirical knowledge likely to hold approximately for the general development of human culture?

1. The object stands before us as a whole, but confused and fluid.
2. We separate particular characteristics and distinguish; our knowledge is now *distinct*, but isolated and limited.
3. We unite what we have separated, and the whole stands before us again, no longer confused, however, but illuminated from all sides.

The Greeks found themselves in the first of these three phases. We find ourselves in the second. The third, therefore, we may still hope for, and when it comes we shall no longer yearn for the Greeks to return.⁹⁶

This may be directly compared to Hegel's own account of the Greeks, according to which sources of the kind of disharmony we experience in the modern world had not yet emerged, but having done so, they can no longer go unrecognised and unacknowledged. Thus, as much as we might nostalgically admire it, there is no going back to this lost innocence, so that instead harmony must be achieved in a different way, in which the pressures that lead to its breakdown are properly appreciated and accommodated within a unity that also incorporates difference within it.⁹⁷

⁹⁶ Schiller (1943–) 21:63; cited in *AE*, p. 234.

⁹⁷ Cf. *DFS* 2:20–22 (pp. 89–91), where Hegel claims on the one hand that '[d]ichotomy is the source of the *need of philosophy*', and that the 'sole interest of Reason' is to suspend such rigid antitheses' as those between 'Reason and sensibility, intelligence and nature and ... absolute subjectivity and absolute objectivity'; on the other hand, he insists that this does not mean that 'Reason is altogether opposed to opposition and limitation', '[f]or the necessary dichotomy is One factor in life' – '[w]hat Reason opposes, rather, is just the *absolute fixity* [my emphasis] which the intellect gives to the dichotomy'. This characteristic Hegelian search for 'unity-in-difference' and its associated attitude to the Greeks may therefore be traced back to Schiller, therefore (although again, not Schiller alone).

As we shall see in the next chapter, the way in which the ancient Greeks might be used to provide an alternative model for ethics, from which a different conception of duty and obligation might be recovered, plays a significant role in Hegel's thinking, just as it did in Schiller's – as also did the idea that this recovery could not be direct or immediate. We shall also later see whether the fact that their picture of the Greeks was somewhat mythical means that the non-Kantian alternative that Hegel bases upon it is fatally flawed as a result.

Love vs law. Another important theme in Hegel that has its roots in his reading of Schiller (amongst others) is the focus on love as an important feature of human relations, in a way that again casts doubt on and contrasts with the more Kantian outlook.

As has been discussed, Schiller gives love an important role in *On Grace and Dignity*, while it had also figured in his earlier writings. Schiller was fully aware of the complexities and dangers of love in the human context, and how it might easily become corrupted into egoism and mere sensuousness; hence his insistence that it be balanced with respect. Nonetheless, by providing us with a model of grace, love rightly understood shows how an individual can relate to the beloved in a way that properly respects their needs and interests, without the lover being required to suppress their contrary inclinations.⁹⁸ In this sense of duty and obligation, then, it is inappropriate to introduce such notions into the relation of love.

While Schiller retains his allegiance to Kant in nonetheless treating this model with caution and warning of its dangers,⁹⁹ in his early writings and particularly in 'The Spirit of Christianity', Hegel wanted to take it further, and used love to offer an alternative to the law

⁹⁸ Cf. *NLBF* 21:24 (p. 177): 'Of all the inclinations that are decided from the feeling for the beautiful and are special to refined minds, none commends itself so much to the moral sense as the ennobled instinct of love; none is so fruitful in impressions which correspond to the true dignity of man. To what an elevation does it raise human nature! and often what divine sparks does it kindle in the common soul! *It is a sacred fire that consumes every egoistical inclination* [my emphasis], and the very principles of morality are scarcely a greater safeguard of the soul's chastity than love is for the nobility of the heart'.

⁹⁹ Cf. *NLBF* 20:24–5 (pp. 177–8): 'But do not follow this guide [of love] until you have found a better ... [T]he passion of love sets [up sophisms] against conscience (whose voice thwarts its interests), making its utterances despicable as suggestions of selfishness, and representing our moral dignity as one of the components of our happiness that we are free to alienate'.

conception of ethics, treating Jesus as its spokesman in the Sermon on the Mount.¹⁰⁰ Hegel thus treats love as a way of reconciling the opposition between morality and inclination, such that the former loses its commanding force:

The command 'Thou shalt not kill' is a maxim which is recognized as valid for the will of every rational being and which can be valid as a principle of a universal legislation. Against such a command Jesus sets the higher genius of reconcilability [Versöhnlichkeit] (a modification of love) which not only does not act counter to this law but makes it wholly superfluous; it has in itself a so much richer, more living, fullness that so poor a thing as a law is nothing for it at all. In reconcilability the law loses its form, the concept is displaced by life.¹⁰¹

For Hegel, therefore, it is possible to find in the love of people for one another that is preached by Jesus 'this extinction of law and duty'.¹⁰²

Hegel's concern with love as a feature of our moral lives continues into his mature writings, including the *Philosophy of Right*; however, in this work he is more wary of its potentially problematic nature, and so is closer to Schiller in this respect. This can be seen clearly in his treatment of the family in the first section of his discussion of Ethical Life. While according it some value, here Hegel notes 'the transient, capricious, and purely subjective aspects of love', which follows from the fact that 'love', as a feeling [*Empfindung*] is open in all respects to contingency'.¹⁰³ Thus, Hegel emphasises, while marriage should not be thought of as a purely contractual relation in a Kantian

¹⁰⁰ Cf. Beiser 2005: 84: 'But we must beware of romantic intoxication. Schiller's concept of love has been misinterpreted as much as the beautiful soul. It has been taken as evidence for Schiller's adherence to an evangelical or Pauline ethic, an ethic that replaces the moral law with love. This was indeed how the young Hegel interpreted it in his *Geist der Christenthums*. But the mature Schiller never had any such programme'.

¹⁰¹ SC 1:327 (p. 215).

¹⁰² SC 1:336 (p. 223). Cf. also SC 1:325 (p. 213), where Hegel agrees with Kant that 'in love all thought of duties vanishes', but not because (as Kant thinks) love is a feeling and so cannot be commanded (cf. MM 6:401 (p. 530)), but because (as Kant also thinks), 'duties require an opposition, and an action that we like to do requires none', where this opposition is the case of an action done out of love. Cf. a cancelled passage from SC: 'A command can express no more than an ought or shall, because it is a universal, but it does not express an "is"; and this at once makes plain its deficiency. Against such a command Jesus set virtue, i.e., a loving disposition, which makes the content of the command superfluous and destroys its form as a command, because that form implies an opposition between a commander and something resisting the command' (SC 1:327 note (p. 215)).

¹⁰³ PR §161Z, 7:310 (p. 201).

manner, it also cannot be equated just with love, if it is going to have the kind of stability and objectivity required. Here, clearly, Hegel echoes Schiller's concerns about erotic love and desire. Nonetheless, a more ethical notion of love also emerges within marriage, which is less about feeling and closer to 'trust, and the sharing of the whole of individual existence [*Existenz*]'.¹⁰⁴ Thus, just as Schiller saw the need to balance love with respect, so too Hegel sees the need to balance love as desire with the recognition that one's relation to the other goes beyond this feeling, whilst at the same time this prevents the relation being more akin to continence than virtue; if it becomes so, 'the moment of feeling' has been lost, and the marriage is over, as each takes themselves to be acting against their inclinations and hence bound to the other simply by duty. Hegel thus introduces a complexity into his understanding of love that is not present in his early writings, akin to Schiller's own insistence on the need to balance love with respect. Nonetheless, taken in this 'higher' form,¹⁰⁵ love should enable those who have this relation to feel that they are not constrained in their behaviour towards the beloved, in just the way that Hegel had argued in his earlier work.

The aesthetic state and the rational state. A further important aspect in which Schiller may be taken to have influenced Hegel is in the former's conception of the 'aesthetic state', which, as we have seen, was developed in the *Aesthetic Letters*. Here, Schiller presented an attempt to overcome the Kantian dualism between 'reason and sensuousness, duty and inclination' in *social* terms, based on his vision of how society might in the end operate, in such a way as to bring this dualism to an end. Moreover, he draws a contrast between the aesthetic state and 'the *ethical* state of duties', in which 'Man sets himself over against man with all the majesty of the law, and puts a curb upon his desires'.¹⁰⁶ By making this as much a political and social issue as a personal one, Schiller added a new dimension to the debate. Whilst in the end Schiller's claims about the achievability of such a state remained modest at best,

¹⁰⁴ *PR* §163, 7:313 (p. 202).

¹⁰⁵ Cf. *PR* §164, 7:316 (p. 205), where Hegel speaks of a love that has an 'ethical character', as involving 'that higher suppression and subordination of mere natural drive which is already naturally present in *shame* and which the more determinate spiritual consciousness raises to *chastity* and *purity* [*Zucht*]'.
¹⁰⁶ *AE* 27th Letter, §9, 20:410 (p. 215).

by taking the matter in this direction at all, Schiller arguably opened up a way of thinking about it that diverged from Kant's.

At the same time, because in the end Schiller's hopes for the aesthetic state are limited, this perhaps contributed to Hegel's unwillingness to follow this social theory in its *aesthetic* dimension, according to which art and aesthetic education might in themselves enable individuals to get beyond the dualisms that Schiller had identified in the modern world. To this extent, Hegel's appeal to the *rational* state instead serves as a departure from Schiller's position. Nonetheless, in so far as Hegel's hopes for the rational state closely resemble Schiller's hopes for the aesthetic one, the latter's influence is clear and significant.¹⁰⁷

The limits of Kantian autonomy. A final and perhaps most important element in Schiller's reception of Kant, was his suggestion that Kant's dualistic picture did not itself allow for full autonomy, even though the intention of his ethics was to avoid the heteronomy of other moral theories. As Schiller put this concern in one of the passages from his Kallias Letters to Körner that we have cited already: 'When the form of the non-reasonable [*nicht-vernünftig*] is determined by reason (theoretical or practical, both are the same here), its natural determination is constrained, and beauty cannot arise'.¹⁰⁸ He puts the point equally clearly in a later letter I have also cited: 'We never want to see coercion, even if it is reason itself which exercises it; we want even nature's freedom to be respected because "we regard every being in aesthetic judgement as an end in itself", and it disgusts (outrages) us, for whom freedom is the highest thing, that something should be sacrificed for something else, and used as a means'.¹⁰⁹

For Hegel, too, the concern was that by retaining the dualism between reason and inclination, Kant did not really allow for the realisation of true autonomy, despite his championing of freedom. Hegel puts the point forcefully in 'The Spirit of Christianity', turning against him the case Kant himself had made against various forms of authoritarian religious life:

¹⁰⁷ For a discussion of the history of the idea of the aesthetic state and its 'Aufhebung' in Hegel, see Chytry 1989, especially pp. 72–105 and 178–218.

¹⁰⁸ *KL* 26:195 (p. 156). ¹⁰⁹ *KL* 26:198 (p. 159).

[B]etween the Shaman of the Tungus, the European who rules the church and state, the Voguls, and the Puritan on the one hand,¹¹⁰ and the man who listens to his own command of duty, on the other, the difference is not that the former make themselves slaves, while the latter is free, but that the former have their lord outside themselves, while the latter carries his lord in himself, yet at the same time is his own slave. For the particular – impulses, inclinations, pathological love, sensuous experience, or whatever else it is called – the universal is necessarily and always something alien and objective.¹¹¹

He then goes on to contrast the Kantian picture with what he takes to be the paradigm offered by Jesus in the Sermon on the Mount:

To complete subjection under the law of an alien Lord, Jesus opposed not a partial subjection under a law of one's own, the self-coercion of Kantian virtue, but virtues without lordship and without submission, i.e., virtues as manifestations of love.¹¹²

It is clear that for Hegel in this early period, Kant's account of the obligations of morality stood in the way of his providing a fully adequate picture of autonomy, where obedience had just been transferred from without to within.

In the *Philosophy of Right*, this theme continues in the opening section of 'Ethical Life', where Hegel makes the striking claim that '[t]he individual ... finds his *liberation* in duty'.¹¹³ At first, it may appear that Hegel intends this claim in a Kantian manner, where the freedom in question consists in the individual escaping from his phenomenal self, so that he is 'liberated from his dependence on mere natural drives'.¹¹⁴ However, Hegel also says that on his conception of duty, the individual is also freed from 'the burden he labours under as a particular subject in his moral reflections on what one should do and what one would like to do',¹¹⁵ suggesting that the tension between these latter two is overcome in a way that is *also* necessary for freedom. This is confirmed by the way in which Hegel then moves on to a discussion of virtue, in the way that we have discussed, whereby the tension between sensuousness and reason can be resolved, and true autonomy achieved.

¹¹⁰ Kant brought up these as examples in *Relig* 6:176 (p. 195).

¹¹¹ *SC* 1:323 (p. 211). ¹¹² *SC* 1:359–60 (p. 244).

¹¹³ *PR* §149, 7:297–8 (p. 192). ¹¹⁴ *PR* §149, 7:298 (p. 192).

¹¹⁵ *PR* §149, 7:298 (p. 192), translation modified.

Going beyond Schiller. We have seen, then, how there is a considerable overlap between the outlooks of Schiller and Hegel, both in the areas where they acknowledge Kant's achievements, and where they identify his limitations. In many respects, therefore, Hegel's critique of Kant may be thought of in Schillerian terms.

However, Schiller also remains a transitional figure in this debate, because he holds back where Hegel wants to go further.¹¹⁶ Fundamentally, I believe, this is because Schiller retains an attachment to the Platonistic sublime, as something lying beyond and outside nature conceived of as an appearance, which corresponds to Kant's conception of the transcendental self that sets duty above desire. Hegel, by contrast, works to overcome such transcendence, and looks for a more unified and immanent picture, in a way that is influential not only in his ethics, but in his metaphysics more broadly.¹¹⁷

As a result, as we have seen, Schiller continues to agree with Kant that a full harmony between our reason and our sensible natures is an unattainable ideal, and thus that Kant's account of duty and obligation as arising from this tension between them remains a viable picture for Schiller, while duty conceived of in these terms cannot be removed from our ethical life as he sees it. Having thus offered us a model of virtue, grace, and beauty as an alternative, Schiller in the end agrees with Kant that this is not an alternative that we can ever fully realise, so that his allegiance to Kant remains intact.

As a consequence, therefore, there is for Schiller no pressure to arrive at an account of notions like duty and obligation that do away with the Kantian model, because Schiller retains the sort of dualism which can still make sense of these notions in Kantian terms. Schiller therefore never faces the need to offer a different solution to the problem of moral obligation. However, because of his more radical position,

¹¹⁶ Cf. White 2002: 30: 'Hegel's reaction to Kant was far more radical than Schiller's. Whereas Schiller acknowledged Kant's dualism of reason and inclination but tried to paper it over, Hegel attempted to demonstrate that it did not really exist at all. Schiller had maintained that a human being would be best off if the recommendations of reason and the urging of inclination were consistent, and that such a condition was rationally to be sought. Hegel went further, by trying to argue that the dualism presupposed by both Kant and Schiller was entirely misconceived'.

¹¹⁷ Cf. *PR* §§133–6, 7:250–54 (pp. 161–4), where Hegel both praises the 'loftiness' [*der hohe Standpunkte*] or 'sublimity' [*erhaben*] of Kant's outlook, and gently mocks it – so that while such talk 'glorifies the human being and fills his heart with pride', it can also become 'wearisome', particularly when (as Hegel thinks) it gives us little help in dealing with the realities of the world.

in which Schiller's Aristotelian picture of the virtuous individual is treated as no mere ideal, Hegel is led to come up with an account of obligation and duty that is different from Kant's, as we shall now see. In the next chapter, therefore, I shall examine how Hegel tried to overcome the problem of moral obligation, having been convinced by the implications of Schiller's position that Kant's hybrid solution involved paying too great a price.

HEGEL'S SOLUTION TO THE PROBLEM OF MORAL OBLIGATION

In discussions of the transition from Kant to Hegel, it is commonplace to characterise it in terms of the move from the individual to the social. In this chapter, I too will be following this pattern in considering Hegel's solution to the problem of moral obligation.

What I earlier called the standard story concerning the history of Kantian and post-Kantian ethics takes a similar trajectory, in offering a social solution to the Kantian paradox, of the sort proposed by Pippin and Pinkard: because in Hegel the legislating subject is a 'we' not an 'I', this is supposed to help resolve the problem of emptiness faced by the constructivist account. But it is not clear how much this can help. As one critic has put it: 'there is no value in a system of mutual constraint which harmonizes the various rational natures' choosing unless that choosing is itself valuable. For one valueless rational nature to constrain itself out of deference to other valueless rational natures is just one more version of arbitrary self-launching'.¹ The problem thus seems to be no different at the Hegelian social level than it is at the Kantian individual one, so it is hard to see why, if the latter is deemed problematic, the former should be deemed any less so: both seem to be equally empty unless we recognise an antecedent background of value which determines the way in which we take ourselves to be constrained.

In fact, however, just as it can be claimed that the standard story does not do justice to Kant's value realism (as we saw in Chapter 1), so the same can be claimed of Hegel, where again for Hegel as well as for Kant, that value can be said to reside in our freedom, as the highest

¹ Regan 2002: 287. I have discussed the difficulties with the 'social solution' to the problem of self-legislation further in Stern 2004b.

form of self-actualisation. Thus, as well as defending a realist view of Kant, Allen Wood likewise defends a comparable view of Hegel: 'Like Kantian ethics, [Hegel's ethical theory] is based on the value of freedom or rational selfhood'.² Hegel acknowledges that value at the outset of the *Philosophy of Right*, and so makes it the basis for his reflections on social and political philosophy as well as ethics: 'Right [*Recht*] is something *utterly sacred*, for the simple reason that it is the putting into being [*Dasein*] of the absolute concept, of self-conscious freedom';³ and he comments later that 'Right is concerned with freedom, the worthiest and most sacred possession of man'.⁴

Now, of course, constructivist readers of Hegel have also noted the significance that Hegel attaches to freedom; and, because they also accept the argument from autonomy, they have gone on to claim that this means that Hegel cannot be conceived of as a realist about value.⁵ However, we have given reasons previously to think that this argument is less than cogent, and that questions about autonomy only become pressing when considerations about *obligation* and *duty* arise, not value as such. This, too, seems to be how Hegel conceives of the issue as it figures in Kant's ethics. For, he suggests, it was because Kant was one of the first to see that 'human freedom is the ultimate pivot upon

² Wood 1990: 31. Hegel's commitment to realism is also noted by Dudley Knowles: see Knowles 2002: 215, where he refers to the long Remark to *PR* §140, 7:265–80 (pp. 170–83).

³ *PR* §30, 7:83 (p. 59; translation modified).

⁴ *PR* §215Z, 7:368 (p. 247). Cf. Kant *LE* 27:344 (p. 125): 'Freedom is thus the inner worth of the world', and *GMM* 4:436 (p. 85): 'Autonomy is therefore the ground of the dignity of rational nature and of every rational nature'.

⁵ In this connection, Pippin is fond of quoting from *EL* §31Z, 8:98 (p. 69): 'This pure being at home with ourselves [*Beisichsein*] belongs to free thought, that voyages in the open, where nothing is below us and nothing is above us, and we stand in solitude with ourselves alone', taking this to be Hegel's view of modernity, as finding ourselves in the position of needing to create our *own* values around us, where we cannot rely on anything being there already – this constitutes our solitude, and also our freedom (see e.g. Pippin 1991: 67). However, although it can be read in this way, the meaning of this text is not altogether clear. For, while Hegel is certainly contrasting our position to something like Scholastic metaphysics, which was not free because it 'adopted its content as something given, and indeed given by the Church', it is less clear that he is rejecting realism, in so far as he claims that the Greeks also 'thought freely', where it seems that all that is necessary for this is to avoid any such appeal to authorities in one's speculations: 'We must imagine the ancient philosophers as men who stand right in the middle of sensory intuition, and presuppose nothing except the heavens above and the earth beneath, since mythological representations have been thrown aside. In this simple factual environment, thought is free and withdrawn into itself, free of all [given] material, purely at home with itself'.

which humanity turns',⁶ that the notion of duty became problematic for him, for it is qua duty that the free will apparently comes to be bound.⁷ And we have already seen how Hegel, following Schiller, is dissatisfied with the account of duty and obligation that Kant then offers, as arising from the dualistic nature of the human will.⁸

Thus, while in this chapter I will follow the standard story inasmuch as I will treat the Hegelian move from the individual to the social as crucial, I will depart from that story in not seeing this as an attempt to resolve the Kantian paradox of self-legislation; rather, I will see it as an attempt to offer an account of duty and obligation that avoids the dualism of Kant's hybrid view. For reasons that will become clear as we proceed, we might therefore call Hegel's position a 'social account'. Before turning to a discussion of Hegel himself, however, I would like to give some context to that discussion by seeing how other theorists have used social accounts to provide an understanding of duty and obligation.

Social command accounts of moral obligation

In his paper 'Radical Virtue Ethics', Kurt Baier attempts to tackle the claim made by some of the more extreme proponents of virtue theory that there is a clear disjunction between an ethics of virtue and a morality of duty and obligation, and that we should aim to replace the latter with the former (rather than having it complement it, as suggested by more moderate voices). One target Baier chooses is Elizabeth

⁶ *LHP* III Hegel 1986: 168 (p. 190).

⁷ Cf. *LHP* III Hegel 1986: 169 (p. 191).

⁸ Another aspect of Hegel's critique of Kant's dualism, which we cannot consider further in detail here, is his objection to Kant's treatment of immortality as one of the 'postulates of pure practical reason' (cf. *CPrR* 5:122 (p. 238)). Hegel interprets this as an attempt by Kant to 'soften' this dualism, but in a way that is ultimately inconsistent: 'Perfected morality must remain a Beyond [for Kant]; for morality [for him] presupposes the difference of the particular and universal will. It is a struggle, the determination of the sensuous by the universal; the struggle can only take place when the sensuous will is not yet in conformity with the universal. The result is, therefore, that the aim of the moral will is to be attained in infinite progress only; on this Kant founds ... the postulate of the immortality of the soul, as the endless progress of the subject in his morality, because morality itself is incomplete, and must advance to infinity. The particular will is certainly something other than the universal will; but it is not final or really unchangeable' (*LHP* 20: 269–70 (III, pp. 461–2; translation modified)). Cf. also Hegel, *PS* 3:446–7 and 457–60 (pp. 368–9 and pp. 377–80), and Stern 2002: 169–78 for further discussion.

Anscombe and her 1958 article 'Modern Moral Philosophy'. In that article, Anscombe famously argues that as we can no longer take seriously the idea that there might be a divine legislator, so we must give up talking about moral duties and obligations, as such notions don't really make sense in the absence of the divine command model.⁹ As we have already seen, Anscombe is scornful of attempts to replace this model with the Kantian idea of self-legislation, while she is equally dismissive of other approaches that have been tried, such as appeals to conscience, custom and contract.¹⁰ Instead, she argues, we should now set out to do ethics without the notions of duty and obligation that are central to our distinctively *moral* thinking, and instead return to something more like the virtue ethics of the ancient Greeks, which did not rely on any such notions.

Now, many critics of Anscombe have questioned whether she is right to contrast the outlook of the ancients and the moderns here, and have argued instead that the Greeks also operated with the distinctively moral ought.¹¹ Baier, however, takes a different line of attack, and argues that where Anscombe goes wrong is in thinking that once the idea of a divine legislator has been rejected, it then inevitably follows that the normative notions of duty and obligation must be given up. For, he claims, these notions do not necessarily imply this idea; instead, he writes:

The fact that there are these wrongs, duties, and obligations implies merely that (i) there is adequate moral reason for me to do and no adequate moral reason for me not to do, that is, 'compelling' moral reason for me to do these things, and (ii) that there is an adequate reason for society 'to insist', that is, set up suitable social pressures to ensure that its members follow these compelling moral reasons (for, obviously, the mere existence of such compelling moral reasons does not actually compel people).¹²

It is point (ii) that I want to say is characteristic of social command accounts of moral obligation and duty. But let me first say something about point (i), which is also an important part of such an account.

⁹ See Anscombe 1958, especially pp. 5–6/1981, esp. p. 30–1.

¹⁰ Anscombe 1958: 13–15/1981: 37–8.

¹¹ Cf. Loudon 1992: 34–39; White 2002: especially Chapter 3; and Rosler 2005: especially Chapter 4, where all three give extensive references to other texts on the issue (and where Brochard 1901 foreshadows Anscombe in a notable way).

¹² Baier 1988: 128.

What is notable in relation to (i) is that Baier here relies on a distinction between what is morally good or bad on the one hand, and what is obligatory or required on the other, where he is appealing only to the former in (i). We have seen a similar distinction at work in what I called ‘intermediate’ positions in the natural law debate (such as Suarez’s), and also in Kant, according to whom acts can be morally good for the divine will without putting that will under any obligation. Moreover, once moral goodness and moral obligatoriness are distinguished in this manner, the former is treated as a necessary condition for the latter, so that in order for an act to be obligatory, what one is required to do must be good, giving one an antecedent moral reason to act in this way. This therefore means that on this account, I cannot be under a moral obligation to count grains of sand or commit genocide,¹³ as the necessary condition for obligatoriness stated in (i) would not be met.

However, again in common with the ‘intermediate’ positions and with Kant, Baier does not treat moral goodness as a *sufficient* condition for obligatoriness and duty: something further must be added to what is morally good if it is to count as an obligation. As we have seen, on divine command theories, what is said to be added is a directive to act in this way from God, while on Kant’s hybrid theory, what is said to be added is the constraint reason exercises here over desire. Baier’s approach amounts to what I am calling a *social command* account, by contrast, because he claims that what is added is the demand by society to act in accordance with what one has moral reason to do.

Now, in a note to the passage we are discussing, Baier refers back to John Stuart Mill, where Mill’s discussion of duty and obligation in *Utilitarianism* has frequently been seen as an inspiration for this sort of approach.¹⁴ There, Mill writes, ‘[w]e do not call anything wrong, unless we mean to imply that a person ought to be punished in some way or other for doing it; if not by law, by the opinion of his fellow-creatures; if not by opinion, by the reproaches of his own conscience’.¹⁵

¹³ This seems to be Anscombe’s worry concerning views of this sort, where she considers the idea that the ‘norms’ of society might be used to retain ‘a law conception without a divine legislator’: ‘[J]ust as one cannot be impressed by Butler when one reflects what conscience can tell people to do, so, I think, one cannot be impressed by this idea if one reflects what the “norms” of a society can be like’ (Anscombe 1958: 13/1981: 37).

¹⁴ Others who have found Mill’s position valuable include also Gibbard 1990: especially pp. 40–5; Adams 1999: esp. pp. 233–48; Skorupski 1999: 137–59; and Darwall 2006: p. 27 and pp. 92–3. Cf. also the talk of ‘social pressure’ in Hart 1994: 86.

¹⁵ Mill 1969: Chapter v, p. 246.

We may hold that there are strong non-moral or even moral grounds for someone to do something, and so 'dislike or despise him for not doing' it – so we might think there are strong aesthetic reasons to appreciate the music of Bob Dylan, or strong moral reasons to avoid eating meat, and so 'dislike or despise' those who do not do either or both of these things; but we might also think that as things stand, the kind of 'social pressure' to act in these ways does not exist, and with good reason, so that individuals cannot be said to be under any obligation or duty here. It is an interesting question, of course, *why* we might think there is good reason not to have any such social pressure in certain cases of moral goodness; but that need not detain us now. It is also an interesting question whether it is *actual* 'social pressure' that is needed to make something obligatory, or just sufficient reasons for such pressure to obtain, whether or not it actually does;¹⁶ but again, I do not want to dwell on this issue here. The crucial issue for our purposes now is that both Mill and Baier take it that being morally good is not sufficient for duty and obligation; it is also required that society holds us responsible for so acting, and will apply some form of punishment or sanction to us if we do not, in a way that puts us under an obligation to act in this manner.

The social command account may therefore be seen to share something with the 'intermediate' divine command account, which also takes it that God must command that a morally good act be performed before it is rendered obligatory; but these latter accounts take God to be the source of the demand, whereas on social command accounts, the claim is that *society* can act as this source, as a legitimate authority in its own right. This is why Baier thinks that the social command account can be employed when faith in a divine legislator has been lost.¹⁷ On this view, therefore, what makes an act obligatory is that the command to so act obtains, where this command involves sanctions that attach to not so acting, and where society is taken to have the rightful authority to impose such sanctions and thus to issue commands.

¹⁶ For arguments to the effect that the demand needs to be *actual*, see Adams 1999: 245–6.

¹⁷ Cf. also Darwall 2006 especially pp. 100–15, where he suggests that there is a conceptual pressure to move from the latter view to the former, from 'morality as accountability to God' to 'morality as equal accountability' to fellow rational agents, thus turning Anscombe's position 'on its head'. See also Darwall 2004. For some doubts about Darwall's argument here, and Darwall's response, see Watson 2007: 40–6 and Darwall 2007: 65–9.

It is worth emphasising two features of this position, in order to forestall two important potential objections to it. The first concerns how this account deals with the motivations of the moral agent: for, it might be said, in so far as obligatoriness is tied here to sanctions applied by society to certain actions, then the motivation to act morally is rendered problematic, as it would then appear to be based on the fear of such sanctions being applied to the agent. However, in response to this worry, the social command theorist can argue that while the possibility of punishment is what renders an act obligatory, this need not figure in the motivations of the agent who acknowledges the obligations on them that then obtain – rather, such an agent may still be motivated by simply recognising this obligatoriness and thus that an action is her duty (just as someone can see that she would not be legally obliged to pay her taxes unless some sanction was attached to not doing so, while at the same time paying them out of a recognition that this is what the law requires, rather than a concern to avoid such sanctions). A second issue relates to whether this social command account can accommodate the autonomy of the agent; for, it might be felt, on this account the community seems to exercise authority over the individual in a way that renders them heteronomous. To this concern, however, there are several possible replies, including an appeal to the way in which authority is here exercised by a *legitimate* source, and also by a community of which individuals themselves form a part. More radically, as Stephen Darwall has suggested recently, it can be argued that this moral community itself must be ‘understood as a cooperative of mutually accountable free and rational beings’,¹⁸ and thus not as a threat to that freedom.

However, a proponent of Anscombe’s position in ‘Modern Moral Philosophy’ might reply that even if the social command account can be made to work in this way, it doesn’t really touch a deeper point that Anscombe’s article brings out, which is that in fact no such replacement is really *needed*: to many, what Anscombe’s article shows in the

¹⁸ Darwall 2006: 244. Cf. also *ibid.*, p. 35: ‘But isn’t acting on demands that others can make of one heteronomy rather than autonomy, being governed by them rather than by oneself? ... The response to this objection is that when one decides [to act on] ... what the moral communities authoritatively demands, the second-personal perspective of a member of the moral community is as much one’s own as anyone else’s. One demands the conduct of oneself from a point of view one shares as a free and rational person’.

case of the virtues is that ethics can be and has been conducted without the notions of moral duty and obligation playing any fundamental role, in a way that arguably makes virtue ethics much superior to the 'peculiar institution' of morality in which such notions have their home.¹⁹ On this view, then, the question is why duty and obligation need form part of our ethical thinking at all, even if Baier and the social command account can succeed in showing how we might make them intelligible in secular terms.

In her article 'Moral Obligations and Social Commands', Susan Wolf provides an interesting answer to this question. Against the Anscombian suggestion that we could 'do without the concept of obligation', she argues that '[t]here are good reasons ... for *wanting* our moral and ethical framework to contain a distinction between the obligatory and morally desirable'.²⁰ She identifies two such reasons. First, by treating some acts as obligatory, we are able to operate with a higher level of expectation that people will do them, and so can coordinate our social lives more effectively. Second, this distinction also prevents society and individuals from becoming morally over-demanding, where we can insist on those types of moral action that we treat as duties, but leave others to the discretion of individuals.²¹ When it comes to obligation, therefore, Wolf concludes that '[w]e have reason ... to find some alternative to Anscombe's proposal that we simply do ethics without that concept'²² – where the alternative she proposes is a position that retains the concept by offering an account of it that treats it as a social command.

We have thus seen in a preliminary way how a social command account of obligation might be made to work. We will now see how this can provide a model for thinking about the Hegelian approach to these issues.

¹⁹ Cf. Taylor 1988. ²⁰ Wolf 2009: 347.

²¹ Although I will not consider the dialectic any further here, a virtue ethicist might reply, perhaps, that any decent account of the virtues will have these elements already built in – so that, for example, it is part of the notion of being a virtuous individual that no extreme self-sacrifice is involved. I take it that Wolf might then respond, however, by suggesting that either this constraint is based on some dubious notion of *eudaimonia*, or that it relies on the very distinction between the moral and the obligatory that she is trying to articulate.

²² Wolf 2009: 348.

Sittlichkeit and duty

As these issues are often presented, it is assumed that if one moves (as we have seen that Hegel does) from something like a Kantian view of morality, to a position that claims to be more like that of the ancient Greeks, then the result will be that notions such as duty and obligation will drop out of the picture. Thus, for example, Henry Sidgwick famously draws a contrast between the Kantian 'imperative' view of morality and the Greek 'attractive' view as the two major options here, where the former is marked by the dualism of reason and inclination, and the latter is not: as a result, in a way that resembles Anscombe's position, Sidgwick holds that when it comes to 'Greek thinkers', then '[t]heir speculations can scarcely be understood by us unless with a certain effort we throw the quasi-jural notions of modern ethics aside', and so no longer see them as asking questions like 'What is Duty and what are its grounds?'²³ And when it comes to Hegel, therefore, it may equally seem that his intentions in recovering the outlook of Greek ethics must have also been to move from the 'imperative' to the 'attractive', and thus to end up with an ethics in which notions like duty and obligation have no real place.

This view of Hegel is simplistic, however, for although he rejects Kant's account of duty and obligation, these are not then notions that he tries to abandon or do without: on the contrary, they are central to the *Philosophy of Right*. He makes their significance clear immediately prior to his discussion of Kant in the sub-section on 'The Good and Conscience': 'The essential character of the will for me is duty ... In doing my duty, I am with myself [*bei mir selbst*] and free. The merit and exalted viewpoint of Kant's moral philosophy are that it has emphasized this significance of duty'.²⁴ Thus, instead, Hegel tries to *retain* these notions, but to offer an account of them that goes against both divine command theory and the hybrid theory put forward by Kant, and to offer what I would claim is a social command theory instead, as we shall now see.

Having criticised the Kantian theory of duty and obligation in the 'Morality' section of the *Philosophy of Right*,²⁵ Hegel provides this social

²³ Sidgwick 1981: 106. For a criticism of Sidgwick's view of the Greeks here, see White 1992 and 2002.

²⁴ *PR* §133Z, 7:250–1 (p. 161).

²⁵ Cf. also *SL* 5:147–8 (p. 136): 'Duty is an ought directed against the particular will, against self-seeking desire and capricious interest and it is held up as an ought to the will in so far as this has the capacity to isolate itself from the true ... The philosophy of

command account in the concluding 'Ethical Life' section. The latter takes into consideration not only the individual will, but also the '*laws and institutions which have being in and for themselves*'.²⁶ As a result, the individual can be seen to be part of an 'ethical substance' that consists of 'laws and powers',²⁷ where 'these substantial determinations are *duties* which are binding on the will of the individual'.²⁸ Because of the authority of these duties over the lives of individuals, and of the relative unimportance of individuals within the social order, it can appear to them that the moral law has a divine origin, as it did in pre-modern societies.²⁹ But this is to neglect the social basis of these obligations, and that while the social order is a substance to which individuals relate as 'accidents', nonetheless these accidents are required by the substance in order to be actual.³⁰ Hegel makes clear, therefore, that he sees divine command accounts of obligation as based on a picture of our relation to the world that has been surpassed, where these obligations are now better accounted for as an aspect of our existence within the social environment of ethical life.

Hegel also makes clear that these obligations arise not only through positive law, but also through the unwritten laws of customs [*Sitten*].³¹ Between them, in an ethical community, these will lay down '*what* someone must do and *what* the duties are which he has to fulfil in order to be virtuous'.³² In fact, Hegel claims, to the extent that the individual lives within a well-developed ethical community, virtue will be less important than what he calls 'rectitude' [*Rechtschaffenheit*]: for, in most cases, it should be apparent to the individual how they are called upon to behave from within the established norms of that community,

Kant and Fichte sets up the ought as the highest point of the resolution of the contradictions of Reason; but the truth is that the ought is only the standpoint which clings to finitude and thus to contradiction'.

²⁶ *PR* §144, 7:294 (p. 189). ²⁷ *PR* §146, 7:295 (p. 190).

²⁸ *PR* §148, 7:296–7 (p. 191).

²⁹ Hegel makes two references to divine command theories in this respect at the start of 'Ethical Life'. Cf. *PR* §144Z, 7:294 (p. 189): 'If we consider ethical life from the objective point of view, we may say that ethical man is unconscious of himself. In this sense, Antigone proclaims that no one knows where the laws come from: they are eternal'; and *PR* §145Z, 7:294 (p. 190): 'Whether the individual exists or not is a matter of indifference to objective ethical life, which alone has permanence and is the power by which the lives of individuals are governed. Ethical life has therefore been represented to nations as eternal justice, or as gods who have being in and for themselves, and in relation to whom the vain pursuits of individuals are merely a play of the waves'. Cf. also *PS* 3:321–2 (pp. 261–2). ³⁰ *EL* §151, 8:294–7 (pp. 225–6).

³¹ *PR* §151, 7:301 (p. 195). ³² *PR* §150, 7:298 (p. 193).

without any need for the kind of practical deliberation required in the exercise of virtue.³³ Hegel is not saying here that such deliberation is *never* required, or that the individual ought not to 'think for themselves' in ethical matters; he is just saying that a properly structured system of ethical duties should make such 'hard cases' less common, while warning that the appeal to individual virtue can become a hypocritical smokescreen for avoiding one's genuine obligations in moral matters.³⁴

As a result of the 'laws and powers' of the community, therefore, the individual will find duties that are 'prescribed, expressly stated, and known to him within his situation'.³⁵ These ethical laws may then appear to have 'an absolute authority and power, infinitely more firmly based than the being of nature'.³⁶ At the same time, however, Hegel argues that in so far as they stem from the ethical community, such laws are 'not something *alien* to the subject' but something to which 'the subject bears *spiritual witness* ... as to its own essence'.³⁷ He suggests, therefore, that while the motivations for obeying the duties that the ethical substance lays down may start with 'certain particular ends, interests, and considerations, with hope or fear, or with historical presuppositions',³⁸ nonetheless this would put the individual in a too 'external' relation to that ethical substance, which must be less instrumental, and more like a 'relationless identity – in which the ethical is the actual principle [*Lebendigkeit*] of self-consciousness'.³⁹ We should not think, therefore, that just because something is an obligation because it is required by the social group, that the motivating reason

³³ Cf. *PR* §150, 7:299 (pp. 193–4): 'Within a given ethical order whose relations are fully developed and actualized, *virtue in the proper sense* has its place and actuality only in extraordinary circumstances, or where the above relations come into collision ... This is why the form of virtue as such appears more frequently in uncivilized societies and communities, for in such cases, the ethical and its actualization depend more on individual discretion and on the distinctive natural genius of individuals. In this way, the ancients ascribed virtue to Hercules in particular. And since, in the states of antiquity, ethical life had not yet evolved into this free system of self-sufficient development and objectivity, this deficiency had to be made good by the distinctive genius of individuals'. In his discussion of Hegel's concept of virtue, Buchwalter points to some passages outside the *Philosophy of Right*, mainly in Hegel's early writings, where he expresses reservations about rectitude (see Buchwalter 1992: 558–61); but I find it hard to see any such reservations in the text of the *Philosophy of Right* itself.

³⁴ Cf. Hegel's discussion of 'Virtue and the Way of the World' in *PS* 3:283–91 (pp. 228–35).

³⁵ *PR* §150, 7:298 (p. 193).

³⁶ *PR* §146, 7:295 (p. 190).

³⁷ *PR* §147, 7:295 (p. 191).

³⁸ *PR* §147, 7:296 (p. 191).

³⁹ *PR* §147, 7:295 (p. 191).

the individual has for complying with it comes from these external ends: rather, it can be based on the recognition of it *as* an obligation, grounded in the acknowledged authority of the ethical community over the individual, where at the same time the individual is part of this group, and so not subordinated to it as by an alien will.

Now, of course, as we have seen, if a social command account of this kind is going to be plausible, it can only treat what is required by society as a necessary condition for creating a moral obligation; for, if it were to also treat it as a sufficient condition, then the worry would arise that on this account *anything* required by society would amount to an obligation. It is therefore important that Hegel considers these requirements as laid down by the *rational state*, which is seeking to uphold the freedom of its individual citizens: without this constraint, it is clear that it would not have the legitimacy to create genuine duties for people to follow.

That this is so is clear from the way Hegel treats the contrast as he sees it between duties as they are conceived in modern societies, and those that were accepted within the states of classical antiquity. In the latter case, Hegel holds, obligations were imposed on citizens prior to a properly developed conception of freedom, so that the liberty of individuals to pursue their own particular concerns and interests was not acknowledged, and demands were thereby made by society on individuals that failed to take this into account. Hegel makes clear that he believes the view of freedom held in this period was limited and one-sided,⁴⁰ and that accordingly this pre-modern conception of duties within the state was flawed, despite the fact that they corresponded to what the 'ethical substance' of the time required of individuals.⁴¹

There are therefore constraints on what our duties can be, for while there are moral reasons for society to insist on certain actions and to forbid others in order for society to function, there are also moral reasons, based on our freedom, not to want to take from us the ability

⁴⁰ Cf. *PR* 260Z, 7:407 (p. 283): 'In the states of classical antiquity, universality was indeed already present, but particularity [*Partikularität*] had not yet been released and set at liberty'.

⁴¹ Cf. *PR* §261, 7:409 (p. 284): 'The abstract aspect of duty consists simply in disregarding and excluding particular interests as an inessential and even unworthy moment. But if we consider the concrete aspect, i.e. the Idea, we can see that the moment of particularity is also essential, and that its satisfaction is also necessary; in the process of fulfilling his duty, the individual must somehow attain his own interest and satisfaction or settle his own account'.

to pursue the different concerns and interests that belong to us as individuals – our commitments to specific causes, to different pursuits, our allegiances to family and friends, and so on. The goal, then, is to find a balance between these two apparently conflicting desiderata, so that society is structured in such a way as to allow the latter to feed into the former. As Hegel puts it: ‘Particular interests should certainly not be set aside, let alone suppressed; on the contrary, they should be harmonized with the universal, so that both they themselves and the universal are preserved ... In the state everything depends on the unity of the universal and the particular’.⁴² A good deal of the point of Hegel’s account of the structures of the rational state is to show how this balance can be achieved.

The result is, therefore, that Hegel can claim that the duties which are enforced within the rational state in this way are not threats to the freedom of the individual. They may *appear* to be a threat, but only if one has what Hegel calls an ‘abstract’ conception of freedom, as the ability to do whatever one has chosen to do, simply because it has been so chosen. This view is something that Hegel rejects, however, on the grounds that freedom in this form is self-contradictory: on the one hand, the individual cannot allow anything it has so chosen to govern its actions, as this would be to limit its capacity to choose and hence its freedom as it conceives it; on the other hand, if it does not limit its capacity to some extent, it can never act, as to act is always to will something in particular – so it must therefore in the end just accept something as what it will do, which it then cannot claim to have chosen, but rather to have been given to it.⁴³ Once one accepts a less abstract notion of freedom, therefore, Hegel argues that it can be accommodated within the account of duties that he presents, as these arise within the rational state.⁴⁴

We have seen, then, that Hegel’s account of duty as this arises for the individual within ethical life can plausibly be considered to be a form of social command account, where what renders something a duty or obligation for an individual is the ‘absolute authority and

⁴² *PR* §261, 7:409 (p. 285) and §261Z, 7:410 (p. 285; translation modified).

⁴³ Cf. *PR* §15, 7:65–68 (pp. 48–9).

⁴⁴ Cf. *LA* 13:136 (I, p. 98): ‘In a state which is really articulated rationally all the laws and organizations are nothing but a realisation of freedom in its essential characteristics. When this is the case, the individual’s reason finds in these institutions only the actuality of his own essence, and if he obeys these laws, he coincides, not with something alien to himself, but simply with what is his own. Caprice [*Willkür*], of course, is often equally called “freedom”; but caprice is only non-rational freedom, choice

power' of the ethical community. And we have also seen how Hegel came to develop this account as an alternative to both a divine command theory (which is seen as a kind of primitive forerunner of the social command account), and to Kant's hybrid theory (with its dualistic conception of the will).

Social roles as sources of obligation

Despite my claims above, however, some may feel unpersuaded that Hegel's position does fit the profile of a social command account, where '[a]ccording to social theories of the nature of obligation, having an obligation to do something consists in being required (in a certain way, under certain circumstances or conditions), by another person or a group of persons, to do it'.⁴⁵ Instead, it may be argued that what Hegel offers is a *social role* account of duty and obligation, which treats these issues in a different way. Indeed, at least since Bradley's famous discussion of 'My Station and Its Duties' in *Ethical Studies*, it is just this approach that has been most commonly identified as a distinctively 'Hegelian' contribution to such matters, and it may therefore seem wrong-headed of me to suggest otherwise.

I want to argue now, however, that it is a mistake to see Hegel offering any such 'social role' account of duty and obligation in any way that meaningfully *contrasts* with the social command account offered above – and that the same is true of Bradley. I will begin, therefore, by saying more about the social role theory, and how it differs from the social command account as characterised above.

In his paper 'Role Obligations', Michael Hardimon writes about such obligations as follows:

As I shall understand the term, a 'role obligation' is a moral requirement, which attaches to an institutional role, whose content is fixed by the function of the role, and whose normative force flows from the role.⁴⁶

On this view, then, what makes it the case that someone has an obligation to do something is that this obligation relates to the role they occupy, as father, teacher, citizen, or whatever. The role the person

and self-determination issuing not from the rationality of the will but from fortuitous impulses and their dependence on sense and the external world'.

⁴⁵ Adams 1999: 242. ⁴⁶ Hardimon 1994: 334.

occupies, therefore, is understood to be the basis on which certain actions come to be required of them, in a way that renders these actions obligatory.

The question that arises, then, is *how* roles give rise to this obligatoriness, and so make certain actions required. What is it *about* roles that can bring it about that the person in one has an obligation or set of obligations?

Now, some have argued that there is really nothing special about roles *as such* that accounts for this, and that any obligatoriness they may appear to involve can be explained by a further normative feature in a reductive way – where the most common candidate for this feature is some sort of contractual story. Thus, it is argued, individuals in social roles have obligations, because they have in various ways contracted or agreed to do certain things, and that because it is obligatory to keep one's contracts and agreements, so it is obligatory to act in these ways. Of course, we then need some account of the obligatoriness of keeping contracts and agreements: but whatever account we offer of that, it would seem to prevent us appealing to roles as a *distinctive* explanation of how obligatoriness arises.

However, role theorists have objected that these contractual stories are in fact implausible as accounts of how roles give rise to duties and obligations, on the grounds that few if any roles are contractual in this way. Thus, it is argued, there is no contract underlying the relation between parents and children, but we nonetheless think individuals have obligations here by virtue of occupying the respective roles; and even in cases where the contractual idea is more plausible, perhaps, the kinds of obligations we attribute to people in those roles are again often too concrete and specific to have any clear contractual source, of an actual or even hypothetical kind. It seems, then, that the obligatoriness that comes from roles must be understood in a different way.⁴⁷

One commonly canvassed alternative is what I will call an *identificatory account*. Here, the idea is, what explains the obligatoriness that comes with occupying a role is that the individual's own identity as a person is tied up with that role, such that not performing it is no longer an option for them, but becomes a requirement on them; and if the role involves doing some moral good, then it constitutes a *moral* requirement. Thus, the claim is, it is through identifying with the role

⁴⁷ For a flavour of these debates, which I cannot go into fully here, see Hardimon's article, and the response in Simmons 1996b. See also Sciaraffa 2011.

that the actions associated with it acquire their obligatory force. As John Horton puts this view:

[B]oth the family and the political community figure prominently in our sense of who we are; our self-identity and our understanding of our place in the world ... It should not be surprising, therefore, that some institutional obligations, through their deep-rooted connections with our sense of who we are and our place in the world, have a particularly fundamental role in our moral being. That these kind of institutional involvement generate moral obligations, and these obligations rather than standing in need of justification may themselves be justificatory, is only to be expected.⁴⁸

Now, in a way that is ironic given her close association with Kant, the person who has most developed this sort of account of obligation within contemporary ethics is Christine Korsgaard. This is reflected in her conception of *practical identity*, which is 'a description under which you find your life to be worth living and your actions to be worth undertaking'.⁴⁹ Some of these identities can be, and for most will be, tied in with an individual's social roles, whilst others (such as 'being a human being') may not:

Practical identity is a complex matter and for the average person there will be a jumble of such conceptions. You are a human being, a woman or a man, an adherent of a certain religion, a member of an ethnic group, a member of a certain profession, someone's lover or friend, and so on. And all of these identities give rise to reasons and obligations. Your reasons express your identity, your nature; your obligations spring from what that identity forbids.⁵⁰

Korsgaard's claim, then, is that '[a]n obligation always takes the form of a reaction against a threat of a loss of identity',⁵¹ where for most of us, this will mean our social roles will bring in obligations, as for most of us our identity is bound up with such roles to at least some degree. And, where those roles involve moral goods, therefore the obligations

⁴⁸ Horton 1992: 150 and 157. ⁴⁹ Korsgaard 1996c: 101.

⁵⁰ Korsgaard 1996c: 101.

⁵¹ Korsgaard 1996c: 102. Cf. also p. 18: '[Moral claims on us] must issue in a deep way from our sense of who we are', and pp. 239–40: 'You may be tempted to do something but find that it is inconsistent with your identity as a teacher or a mother or a friend, and the thought that it is inconsistent may give rise to a new incentive, an incentive not to do this thing. As Luther's "here I stand, I cannot do otherwise" reminds us, the human heart, being human, discovers itself not only in spontaneous desire, but in imperatives'.

they give rise to are in turn themselves moral; while if the role does not involve such goods (as in the case of the member of the Mafia brought up against Korsgaard by Cohen), they are not.⁵²

We therefore seem to have here a social account of obligation that is nonetheless distinct from and a competitor to the social command theory: for here, it is the identification of the individual with their role that explains obligatoriness, not the 'social pressure' exerted on the individual, as on the social command account.

Now, one important historical source of the role view is generally taken to be Bradley, where it is then also widely held that Bradley is following Hegel. If this is right, and if the social role and the social command views are in competition, then it would follow that my account of Hegel as adopting the latter and not the former must be mistaken. Thus, when it comes to Bradley, A. John Simmons cites the following remarks, as evidence of his commitment to the identification thesis, and thus to the social role theory:

We have found ourselves when we have found our station and its duties, our function as an organ in the social organism ... If we suppose the world of relations, in which [an Englishman] was born and bred, never to have been, then we suppose the very essence of him not to be; if we take that away, we have taken him away ... The state ... gives him the life that he does and ought to live.⁵³

And, as the chapter on 'My Station and Its Duties' in *Ethical Studies*, from which these remarks are taken, is clearly signposted by Bradley as Hegelian in inspiration, it may seem that Hegel's position too should be interpreted in these terms, as a social role theory.

To see why this view is mistaken, however, we can begin by seeing how it is mistaken even of Bradley himself, and that in fact he is also much more plausibly read as a social command theorist.

That this is so can be made plain once one recalls the structure of the dialectic in *Ethical Studies*, and the place of the chapter (or 'essay') on 'My Station and Its Duties' within it. Up to this point, Bradley has considered two contrasting approaches, both of which are said to have some merit, but neither of which is wholly satisfactory as things stand. The first is 'pleasure for pleasure's sake', which has the

⁵² Cf. Korsgaard 1996c: 256–8.

⁵³ Bradley 1927: 163, 166, 174. Simmons cites these remarks (from a different edition) in Simmons 1996a: 262 note 38/2001: 80–1 note 38.

advantage of thinking about how morality might relate to the individual's 'self-realisation', but does so in way that has a narrow and mistaken view of what this amounts to, namely pleasure. The second is 'duty for duty's sake', which rightly scorns the latter idea as simplistic, and instead conceives of the self to be realised as the pure will, and so understands morality in terms that are merely formal. Again, according to Bradley, there is some value to viewing morality in this way (where he is of course thinking of Kant),⁵⁴ but for familiar Hegelian reasons (including the dualism we have discussed above),⁵⁵ he rejects it as ultimately unsatisfactory.

What is needed, therefore, is some sort of synthesis or 'Aufhebung' of these views, which Bradley tries to offer in 'My Station and Its Duties'.⁵⁶ What we are looking for, then, is a position that has a conception of duty that overcomes the problems with the Kantian position and which also relates it to a notion of self-realisation that is less crude than the one offered by the outlook of 'pleasure for pleasure's sake'.

⁵⁴ In his discussion of 'duty for duty's sake', Bradley does not claim to be doing full justice to Kant's position – though he gives this a characteristically Bradleyean sting in the tail: 'As I said before, this is not a statement of the Kantian view; that view is far wider, and at the same time more confused' (Bradley 1927: 148, note 1; cf. also p. 142, note 2).

⁵⁵ Cf. Bradley 1927: 146–7: 'Morality is the activity of the formal self forcing the sensuous self, and here first can we attach a meaning to the words "ought" and "duty" ... [I]f our self were a pure, unalloyed will, realizing itself apart from a sensuous element, the word "ought" would ... be meaningless. It is the antagonism of the two elements in one subject which is the essence of the ought ... The ought is the command of the formal will, and duty is the obedience, or, more properly, the compulsion of the lower self by that will, or the realisation of the form in and against the recalcitrant matter of the desires'. Bradley also follows Hegel in objecting to the 'empty formalism' of the Kantian approach, which he sees as arising out of this dualism. Cf. also Bradley 1927: 181: 'In "duty for duty's sake" we were always unsatisfied, no nearer our goal at the end than at the beginning. There we had the fixed antithesis of the sensuous self on one side and a non-sensuous moral ideal on the other – a standing contradiction which brought with it a perpetual self-deceit, or the depressing perpetual confession that I am not what I ought to be in my inner heart, and that I never can be so'; and p. 215, where Bradley criticises the view that 'morality is a life harassed and persecuted everywhere by "imperatives" and disagreeable duties, and that without these you have not got morality', commenting that 'it is sufficient to remark that [this view] stands or falls with the identification of morality with unwilling obedience to law, and that, according to the common view, a man does not cease to be good so far as goodness becomes natural and pleasant to him'.

⁵⁶ In fact, as is sometimes missed, the dialectic continues even after 'My Station and Its Duties', which itself proves problematic in various ways (see Bradley 1927: 202–6). But that need not concern us here, as the reading of Bradley as a social role theorist concerning obligation is generally supported by this chapter alone.

Bradley makes this clear when he summarises how things stand at the start of the chapter:

We have learnt that the self to be realized is not the self as this or that feeling, or as any series of the particular feelings of our own or others' streams or trains of consciousness. It is, in short, not the self to be pleased ... And, passing then to the opposite pole, to the universal as the negative of the particulars, to the supposed pure will of duty for duty's sake, we found that too was an unreal conception ...

But let us view this [negative] result, which seems so unsatisfactory, from the positive side; let us see after all with what we are left. We have self-realization left as the end, the self so far being defined as neither a collection of particular feelings nor an abstract universal. The self is to be realized ... as will, will not being merely the natural will ... but the will as the *good* will, i.e. the will that realizes an end which is above this or that man, superior to them, and capable of confronting them in the shape of a law or an ought. This superior something, further, which is a possible law or ought to the individual man, does not depend for its existence on his choice or opinion.⁵⁷

Bradley's position, then, is that what his previous discussion has shown is that we need a view that allows for self-realisation on the one hand, and duty on the other, without treating the former as mere pleasure or hedonistic well-being, and the latter as something empty, formal and dualistic – where it is precisely in a view that tries to *achieve* both, that these respective limitations will be overcome. Bradley's positive suggestion, therefore, is that if we think of the individual as following duties that relate to a good that is *more* than his individual good, then at the same time self-realisation will be achieved, and these duties will be given a content and context as well as a non-dualistic force over us, in a way that will enable a satisfactory 'middle way' to be found.

And then, Bradley claims, this is just what one will get within a state, in which the individual is both part of the general good of the community, *and* also able to find itself fully realised by participating in that community as a result. Thus, Bradley declares, in a passage of considerable rhetorical force, by living within a 'social organism' of this sort, where one has a 'station and its duties' through which one contributes to this goal, and therefore also has contentful and objective requirements laid upon one, by a society in which one also flourishes, then a notable advance towards dialectical stability will have been achieved:

⁵⁷ Bradley 1927: 160–2.

Here, and here first, are the contradictions which have beset us solved – here is a universal which can confront our wandering desires with a fixed and stern imperative, but which yet is no unreal form of the mind, but a living soul that penetrates and stands fast in the detail of actual existence. It is real, and real for me. It is in its affirmation that I affirm myself, for I am but as a ‘heart-beat in its system’. And I am real in it; for, when I give myself to it, it gives me the fruition of my own personal activity, the accomplished ideal of my life which is happiness. In the realized idea which, superior to me, and yet here and now in and by me, affirms itself in a continuous process, we have found the end, we have found self-realization, duty, and happiness in one – yes, we have found ourselves, when we have found our station and its duties, our function as an organ in the social organism.⁵⁸

My claim is, then, that up to this point, Bradley is offering a social command account, whereby on the one hand the state⁵⁹ is such as to ‘confront our wandering desires with a strict and firm imperative’ because of its authority over us, but where on the other hand ‘when I give myself up to it’, the state ‘gives me the fruition of my own personal activity, the accomplished ideal of my life which is happiness’. Bradley makes the nature of his position fully clear when he writes: ‘[The state] speaks the word of command and gives the field of accomplishment, and in the activity of obedience it has and bestows individual life and satisfaction and happiness’.⁶⁰

Likewise, I would argue, from what we saw before in the previous section, Bradley is in effect paraphrasing Hegel here (as he would no doubt happily grant), and Hegel’s claim that ‘[i]n the state everything depends on the unity of universal and particular’.⁶¹ It is precisely

⁵⁸ Bradley 1927: 163.

⁵⁹ As a note in the second edition of *Ethical Studies* to the passage just cited makes clear, Bradley does not think that this can be achieved *only* within the state as a political community, but also within other kinds of community; but as the note also makes clear, in writing this passage, it was really the state he had in mind.

⁶⁰ Bradley 1927: 184–5. Cf. also pp. 203–4, where in considering the limitations on the position he has outlined in ‘My Station and Its Duties’, Bradley observes that: ‘It is necessary to remark that the community in which he is a member may be in a confused or rotten condition, so that in it right and might do not always go together’ – that is, the commanding authority of the state, which is the basis of duty, may go astray.

⁶¹ Cf. Bradley 1927: 202: ‘The theory which we have just exhibited [of my station and its duties] ... satisfies us, because in it our will attain their realization; the content of the will is a whole, is systematic; and it is the same whole on both sides. On the outside and the inside alike we have the same universal will in union with the particular personality’.

this, as we have seen, that allows Hegel to also strike the balance that Bradley is after, between duty as imposed by the state on the one hand and the interests of the individual on the other, so that by having the source of those duties in the command of the rational state, the individual has obligations, has their 'particularity' taken into account, and is lifted above the narrow and egoistic concerns of the pre-social individual. By thinking of duty in these terms, as imposed by society on the individual who has a place and role within it, the dialectical harmony that both Hegel and Bradley are looking for can be achieved, but only because obligations are seen to arise from the social community of which they are part, and which has the self-realisation or freedom of its citizens (which for Bradley and Hegel are in effect the same thing) at its heart.

However, if this shows him to be a social command theorist, what of the passages in which Bradley seems to make so much of the way in which an individual's identity is bound up with their role, and which have led so many to interpret him as a social role theorist concerning obligation? And similarly, what of the comparable passages in Hegel?

When it comes to Bradley, I think the simple answer is as follows. These 'identificatory' passages are there *not* to support an identificatory account of social roles, but to answer three very significant objections to any social command theory, namely:

- (a) that the state which Bradley claims has the authority to give individuals their duties does not really exist and is a myth, because it can always be reduced to a mere collection of individuals, with nothing but the authority of individuals over one another
- (b) that self-realisation does not require social membership, so that there is no essential connection (as Bradley claims there is) between a morality of social duties and self-realisation
- (c) that individuals must always see the authority of the state as taking away their freedom.

All three objections can be urged by the 'individualist', who does not think Bradley's vision of the 'social organism' is at all plausible, where it is the position of this individualist that Bradley outlines immediately after the passage that we just cited, with its high-flown talk of the 'social organism':

'Mere rhetoric', we shall be told, 'a bad metaphysical dream, a stale old story once more warmed up, which can not hold its own against the

logic of facts. That the state was prior to the individual, that the whole was sometimes more than the sum of its parts, was an illusion which preyed on the thinkers of Greece. But that illusion has been traced to its source and dispelled, and is in plain words exploded. The family, society, the state, and generally every community of men, consists of individuals, and there is nothing in them real except individuals'.⁶²

Now, it is also clear that it is in order to refute just this view that Bradley turns to his claim about the dependence of individuals for their identity on society and their place within it:

[W]e meet the metaphysical assertion of the 'individualist' with a mere denial; and, turning to facts, we will try to show that they lead us in another direction. To the assertion, then, that selves are 'individual' in the sense of exclusive of other selves, we oppose the (equally justified) assertion, that this is a mere fancy. We say that, out of theory, no such individual men exist; and we will try to show from fact that, in fact, what we call an individual man is what he is because of and by virtue of community, and that communities are thus not mere names but something real, and can be regarded (if we mean to keep to facts) only as the one in the many.⁶³

After a long disquisition in support of this view, which hinges on how much an individual's identity depends on his place within a social framework, Bradley concludes:

In short, man is a social being; he is real only because he is social, and can realize himself only because it is as social that he realizes himself. The mere individual is a delusion of theory; and the attempt to realize it in practice is the starvation and mutilation of human nature, with total sterility or the production of monstrosities.⁶⁴

Bradley's response to the reductionist objection that there cannot be any social commands, because 'in fact' there is no social organism, is that the reduction cannot work, as without the social organism there

⁶² Bradley 1927: 163. Bradley does not identify precisely whom he was thinking of as holding this individualist position, but Peter Nicholson plausibly suggests that he 'perhaps had in mind such writers as Bentham, J. S. Mill, and Herbert Spencer' (Nicholson 1990: 24). For the problem this position raises for the social command theorist, see Wolf 2009: 345, where she notes that for 'the question of society's existence is ... a legitimate and serious question ... To be sure, we live among other people – in a neighborhood, a state, a world. But is any collection of them sufficiently organized and unified to constitute a group that can be seen to issue commands in the requisite sense?'

⁶³ Bradley 1927: 166. ⁶⁴ Bradley 1927: 174.

is 'in fact' no individual. What we see in this talk of identity and one's place in society, therefore, is *not* a defence of an identificatory theory of obligation, but a defence of the idea of society that is needed by the kind of social command theory that Bradley has put forward earlier in the chapter. It is also needed to substantiate his crucial link between duty and self-realisation, which on the individualist position does not require the person to have any place within a social whole, while it also shows that this social will is not alien to the agent's own will.

Bradley thus uses his 'identificatory' claims as a way of supporting his anti-individualism and his account of the social organism, which he needs in order to defend his social command theory:

- (a) there *is* such a thing as the state or society, that can issue commands.
- (b) the individual can realise themselves by following these social duties.
- (c) the individual need not feel 'alienated' from these duties as external impositions, in so far as they are essentially bound up with this social whole.

It can be argued, then, that Bradley's focus on the social identity of the individual does not show that his account of duty based on roles is intended to be identificatory, but rather forms part of an approach that fits better with a social command model.

And something similar is true, I would argue, of Hegel – but where for Hegel, the identificatory talk is there not to show what we can defend a non-reductionist view of the state, but rather that (as we have seen) social duties are not inimical to the freedom of the individual, in so far as this 'ethical substance' is not '*alien* to the subject' – where '[o]n the contrary, the subject bears *spiritual witness* to them as to its own essence'.⁶⁵ In Hegel, then, claims of this sort also do not support a social role reading, but the one offered above, that treats Hegel as a social command theorist when it comes to understanding how moral obligations are possible.

⁶⁵ *PR* §147, 7:295 (p. 191).

PART III

KIERKEGAARD

KIERKEGAARD'S CRITIQUE OF HEGEL

In an earlier chapter, it was argued that Kant turned away from a divine command account of obligation, to offer instead a hybrid account, while we have just seen that Hegel then turned away from this to offer his social command account instead. In this chapter, the wheel turns again, as Kierkegaard's critique of the latter takes us back to a divine command account.

However, whilst it is scarcely surprising to say that Kierkegaard was a critic of Hegel in some broad sense,¹ and also possibly to say that he was a divine command theorist in some broad sense,² it is less easy to narrow down these aspects of his position, so to say exactly what these criticisms amount to, and exactly what form of divine command theory Kierkegaard was proposing. When it comes to the former, we need to substantiate that it was Hegel's social command account of obligation that formed the focus of Kierkegaard's objections, and not just other issues that have no impact on this question; and when it comes to the latter, we need to substantiate that Kierkegaard was offering a divine command account of *obligation*, and not an ethic of a different sort, or a divine command theory of a more radically voluntaristic kind, which

¹ Those who read Kierkegaard as a critic of Hegel include: Thulstrup 1980; Crites 1972; Collins 1983; Westphal 1998; Taylor 2000. For a more revisionist account, which argues that Kierkegaard's real target was the members of the school of Danish Hegelians, rather than Hegel himself, see Stewart 2003. However, whilst Stewart succeeds in adding a lot of fascinating detail to the story of Kierkegaard's encounter with Hegel and Hegelianism, I am not in the end convinced that he succeeds in overturning the more standard view. For responses to Stewart along these lines, see Westphal 2004; Pattison 2005: 28–33; and James 2007.

² For characterisations of Kierkegaard in relation to divine command theory, see Quinn 1996 and 1998; and Evans 2004. For the suggestion that Kierkegaard is not a divine command theorist, see Green 1992: 202; Ferreira 2001: 40–2, 242, and also Ferreira 2002, esp. pp. 149–52; and Manis 2009.

treats the good and right as altogether dependent on God's command, not merely for their obligatory force.

My discussion of Kierkegaard will be structured as follows. In this chapter, which focuses on Kierkegaard's critique of Hegel, I will look mainly at the two pseudonymous works that contain objections to Hegel's ethical outlook, namely *Fear and Trembling*, and *Either/Or*. However, in part because they *are* pseudonymous, and in part also because their intentions are mainly negative, it is unwise to see in these writings the full extent of Kierkegaard's positive position as a whole – where for this, in the next chapter, we will turn to Kierkegaard's *Works of Love*.

Kierkegaard's critique of Hegel in *Fear and Trembling*

Published by Kierkegaard in 1843, *Fear and Trembling* was written under the pseudonym of Johannes de Silentio, and is centred around the story of the binding of Isaac by Abraham (Genesis 22:1–19). It can be seen as a 'singularly problematic text',³ for a variety of reasons – not only because of its pseudonymous authorship and curious literary form; for its hints at a hidden meaning; and for its tantalising relation to Kierkegaard's biography at this period; but also because of the need to do justice to its ethical and religious radicalism on the one hand, without on the other tipping it into a position that is so extreme that it becomes difficult to take seriously. In particular, to do justice to its radicalism, it can seem necessary to interpret it as offering a strongly voluntaristic divine command theory, as many have done;⁴ but then it has appeared easy to dismiss it, given the rebarbative implications of such a theory.⁵ Faced with this difficulty, defenders of Kierkegaard then point to the pseudonymous nature of the work, its clear polemical intent, as well as its possibly secret messages, and argue that this is not really his own position and that it is misleading to think of Kierkegaard himself as a divine command theorist at all; but then, as a result, *Fear and Trembling* becomes rather marginalised.⁶ Or it is

³ Pattison 2005: 115.

⁴ For a recent reading of Kierkegaard along these lines, see Irwin 2009: 313–5 and 322–4. See also Olafson 1967: 28–31.

⁵ Cf. Green 1993: 198: 'A more serious problem is that if *Fear and Trembling* defends a divine command ethic, it is a forbidding and frightening ethic'.

⁶ Cf. Ferreira 2001: 40.

argued that *Fear and Trembling* has no real relation to divine command approaches, and is given a different focus: but this is to go against what appears to be a natural reading of the work.

In what follows, I hope to avoid this oscillation, by treating the text as putting forward a divine command account of *obligation* in contrast to Hegel's social command account, but where (as we have seen) this sort of 'intermediate' divine command theory is distinct from any strong voluntarism. However, as we shall go on to see, it still does have a radical potential of a different kind that the social command theory does not, which Kierkegaard exploits in his dialectic with Hegel, so that none of the text's tendency to disturb need be lost. The root of Kierkegaard's concern here, I will argue, has to do with the relation between ethics and faith: on Hegel's social theory of obligation, there is a huge cost in religious terms, as such a theory cannot treat the good and the right as transcendent and thus beyond our full comprehension, while for Kierkegaard it is precisely this transcendence which it is necessary to acknowledge if we are to stand in the proper relation to the divine. This transcendent conception of moral value will still mean that *Fear and Trembling* represents a radical challenge to secular ethicists, who will characteristically take it that moral value is broadly graspable within the human perspective; but it is a challenge distinct from that posed by a voluntaristic divine command theory, and it is one that Kierkegaard thinks it is necessary to preserve in order to make sense of religious faith.

That this is the key focus of *Fear and Trembling* is made clear by the way in which the text is 'framed', by its Preface at the beginning and its Epilogue at the end. In both, it is religious faith and in particular the *devaluing* of faith that is the primary concern – where Kierkegaard treats his contemporary Hegelians as symptomatic in this respect, who, as a result of following Hegel, have been led to believe that faith is easily come by and surpassed. In the Preface, de Silentio draws a parallel in this respect between faith and doubt, which contemporary Hegelians also take in their stride and effortlessly 'go beyond', and he contrasts the modern outlook with that of previous eras, where faith and doubt were taken more seriously, both in terms of how long it took to properly come to terms with them, and of how hard they were to transcend.

De Silentio sees that what might make this possible is the Hegelian 'System', in which religion is 'sublated' by philosophy, so that 'the whole content of faith [is converted] into conceptual form' and so

made intelligible.⁷ But he confesses that he himself cannot grasp this 'System', as he is 'not at all a philosopher',⁸ so that faith for him is much harder to deal with and 'get beyond'. In the Epilogue, de Silentio makes clear that in fact, it cannot be *genuine* faith that has been 'sublated' in this way: 'There are perhaps many in every generation who do not even come to [faith]; but nobody goes further':

Whether there are also many in our age who do not discover it, I do not decide; I dare only refer to myself, who does not conceal that it may not happen for a long time to come for him, yet without his therefore wishing to deceive himself or the great by making it into a trifling matter, into a childhood malady one must wish to get over as soon as possible.⁹

De Silentio then compares himself not to a merchant who dumps spices in the sea to raise their price artificially in a sluggish market, but to someone who, in the foregoing discussion of Abraham, has shown what faith really amounts to, in order to combat the complacency with which it is treated by the Hegelians, by bringing out its truly difficult and challenging nature.¹⁰

Now, within the main body of the text, the primary term with which de Silentio tries to bring out the difficult nature of faith is 'the absurd' – for this, he argues, is how Abraham must appear to those without faith (of whom he is one),¹¹ but where if this absurdity were lacking, Abraham would not be a 'knight of faith', but another kind of figure entirely. De Silentio presents two dimensions to this absurdity in connection with the binding of Isaac,¹² relating to two ways in which

⁷ *FT* 3:59 (p. 5). Cf. Hegel *LHP* 18:100 (1, p. 79; translation modified): 'Thus Religion has a content in common with Philosophy the forms alone being different; and the only essential point is that the form of the Concept should be so far perfected as to be able to grasp the content of Religion'.

⁸ *FT* 3:59 (p. 5). ⁹ *FT* 3:167 (p. 108).

¹⁰ *FT* 3:166 (p. 107): 'is what [the present generation needs] not rather an honest earnestness that fearlessly and incorruptibly calls attention to the tasks, an honest earnestness that lovingly preserves the tasks, that does not anxiously want to rush precipitously to the highest but keeps the tasks young, beautiful, delightful to look upon, and inviting to all, yet also difficult and inspiring for the noble-minded (for the noble nature is inspired only by the difficult)?'.

¹¹ Cf. *FT* 3:84 (p. 26): 'By no means do I have faith'; *FT* 3:85 (p. 28); 'I can well endure living in my own fashion, I am happy and content, but my joy is not that of faith and in comparison with that is really unhappy'.

¹² De Silentio also mentions other aspects of absurdity in relation to the Abraham story more generally, such as his emigration and his belief that Sarah would have a child: see *FT* 3:69–70 (p. 14).

Abraham might be thought of as less than a knight of faith, where each dimension relates roughly to the two halves of the main part of the book – namely, the half covering the ‘Attunement’, the ‘Tribute to Abraham’ and the ‘Preliminary Outpouring of the Heart’, and the half containing the three ‘Problems’.

The first dimension in which Abraham's position can be viewed as absurd, and yet in a way which also qualifies him as a knight of faith, is not as immediately ethical as the second, though it does relate to it nonetheless. This first dimension of absurdity is brought out by de Silentio by contrasting Abraham's way of responding to God's command to sacrifice Isaac, and what his own response would have been in the same situation. That is, rather than carrying it out with dread, foreboding, or resignation, Abraham set about carrying it out with joy. De Silentio attributes this difference to a belief that Abraham had, which could not be had by someone like himself who lacked faith, and who therefore could not share in Abraham's joyous demeanour – namely, the belief that God demanded that he sacrifice Isaac, but *also* that the demand would be waived, where Abraham takes both equally seriously in a way that defies ordinary comprehension:

But what did Abraham do? He arrived neither too *early* nor too late. He mounted the ass and rode slowly along the way. During all this time he believed; he believed that God would not demand Isaac of him, while he still was willing to sacrifice him if it was demanded. He believed by virtue of the absurd, for human calculation was out of the question, and it was indeed absurd that God, who demanded it of him, in the next instant would revoke the demand. He climbed the mountain, and even at the moment when the knife gleamed he believed – that God would not demand Isaac.¹³

Perhaps feeling, however, that this does not quite capture the full nature of the relation between Abraham's faith and the absurd, de Silentio adds a further level to the account, which is not only that God would allow Abraham to keep Isaac despite requiring that he be sacrificed, but that God would allow him to kill Isaac, but somehow give him back:

Let us go further. We let Isaac actually be sacrificed. Abraham believed. He did not believe that he would be blessed one day in the hereafter but that he would become blissfully happy here in the world. God could give

¹³ FT 3:86–7 (p. 29).

him a new Isaac, call the sacrificed one back to life. He believed by virtue of the absurd, for all human calculation had long since ceased.¹⁴

As de Silentio observes in the preceding 'Tribute to Abraham', not only here but throughout his life, Abraham 'left one thing behind, took one thing with him. He left his worldly understanding behind and took faith with him; otherwise he undoubtedly would not have emigrated but surely would have thought it preposterous'.¹⁵

In the 'Preliminary Outpouring of the Heart', this aspect of Abraham's position is then used to draw a contrast between faith and what de Silentio calls 'infinite resignation', where the latter involves abandoning the joys, passions, and pleasures of ordinary existence, for the sake of some higher cause, while the former somehow manages to retain a commitment to the finite despite all that is being asked of it. De Silentio's suggestion is that it is the absurdity of Abraham's belief that makes this commitment possible for him, as the more reasonable position would seem to be resignation, as the reasonable view is that everything has been lost in sacrificing Isaac – not just Isaac himself, but all Abraham's hopes for his legacy and for his people that have been founded on Isaac's continuance of his line. De Silentio thus pictures the knight of faith dwelling contentedly within the finite, mundane world – perhaps as an ordinary tax-collector, rather than as any sort of other-worldly ascetic. In order to achieve this, like Abraham, this ordinary believer must have made the movement of faith, of renunciation followed by return:

And yet, yet – yes, I could fly into a rage over it, if for no other reason than out of envy – yet this person has made and at every moment is making the movement of infinity. He empties the deep sadness of existence in infinite resignation, he knows the blessedness of infinity, he has felt the pain of renouncing everything, the dearest thing he has in the world, and yet the finite tastes every bit as good to him as someone who never knew anything higher, for his remaining in finitude has no trace of a dispirited, anxious training, and yet he has this confidence to delight in it as if it were the most certain thing of all. And yet, yet the whole earthly figure he presents is a new creation by virtue of the absurd. He resigned everything infinitely and then grasped everything again by virtue of the absurd.¹⁶

¹⁴ *FT* 3:87 (pp. 29–30).

¹⁵ *FT* 3:69 (p. 14).

¹⁶ *FT* 3:91 (p. 34).

De Silentio goes on to develop the contrast, with his tale of a young lad who forms a doomed attachment to a princess, who can never consummate his love: the 'knight of resignation' finds his love transfigured by his abandonment of his early hopes, while the 'knight of faith' retains his place within the finite, by retaining the belief that somehow the princess will be his in the end, even while he suffers through the pain of knowing that she will not.¹⁷

In this way, therefore, de Silentio takes himself to have shown how difficult it is to make sense of faith, for faith can only take on its characteristic feature by virtue of its connection with the absurd; once a more reasonable attitude is adopted, it becomes something more like infinite resignation. So, the first criticism of the Hegelian is that he has underestimated this absurdity. The second, and related, criticism, is that he has therefore mischaracterised faith and confused it with infinite resignation: for, although faith involves the transcendent, for de Silentio it also brings with it precisely the kind of 'being at home in the world' that the Hegelian claims to provide, but which the Hegelian thinks requires immanence and not transcendence.¹⁸ Far from losing touch with the finite through the transcendent, de Silentio suggests, it is only through the latter that the finite is genuinely retained, which is otherwise in danger of being lost in the attitude of infinite

¹⁷ *FT* 3:96–7 (p. 39): 'We shall now let the knight of faith appear in the incident previously mentioned. He does exactly the same as the other knight, he infinitely renounces the love that is the content of his life and is reconciled in pain. But then the miracle occurs. He makes yet another movement more wonderful than anything, for he says: "I nevertheless believe that I shall get her, namely by virtue of the absurd, by virtue of the fact that for God everything is possible." The absurd does not belong to the distinctions that lie within the proper compass of the understanding'. Cf. 3:99 (p. 42): 'But by my own strength I cannot get the least bit of what belongs to finitude, for I continually use my strength to resign everything. By my own strength I can give up the princess, and I shall not become a sulker but find joy and peace and rest in my pain. But by my own strength I cannot get her back again, for I use all my strength just for the act of resigning. But by faith, says that miraculous knight, by faith you will get her by virtue of the absurd'. Cf. also 3:97 (p. 40), where de Silentio contrasts the faith of the young boy with a girl whose optimism is just based on 'childlike naiveté and innocence', and who is not therefore aware of all that stands in the way of her hopes being fulfilled, and so experiences no difficulty in her optimism.

¹⁸ Cf. *EL* §38Z 8:109 (p. 78), where Hegel expresses his admiration for this side of empiricism, though of course he is critical of it in other respects: 'From Empiricism the call went out: "Stop chasing about among empty abstractions, look at what is there for the taking, grasp *the here and now*, human and natural, as it is *here* before us, and enjoy it!" And there is no denying that this contains an essentially justified moment. This world, the *here and now*, the present, was to be substituted for the empty Beyond, for the spiderwebs and cloudy shapes of the abstract understanding'.

resignation – an attitude which the Hegelian confuses with genuine faith.

We have seen, then, how in the first half of the book, de Silentio draws out the constitutive connection between faith and the absurd – where up to this point, the absurdity in question has primarily been metaphysical in a broad sense (how can Isaac be sacrificed and yet live? how can God intend him to be sacrificed yet equally intend to stop the sacrifice? how can the princess come to love the young lad, given all the obstacles that stand in the way?). If this absurdity did not form part of religious life, de Silentio is clearly arguing, such life would not be truly possible. My claim now will be that the discussion at this point moves on to a different kind of absurdity – an *ethical* absurdity – that is equally said to form a crucial part of the religious life in a way that the Abraham story also brings out, where it is *this* that would be lost if the Hegelian account of obligation were accepted, and with it the possibility of religious faith.

However, it is important to also recognise that the absurdity encountered so far can be thought of as having an ethical dimension. For, behind Abraham's belief that God is working in these mysterious ways is also his belief that somehow through all this, God's earlier promises to Abraham regarding his own happiness and that of his people will be kept – though this is also equally mysterious for him and seemingly absurd, given that if Isaac dies as God seems to require, Abraham will lose all that matters to him and his people will have lost their next leader. Nonetheless, as C. Stephen Evans notes, 'Abraham simply rests unwaveringly in his trust in God's goodness'¹⁹ without doubting that goodness, even though he has no real idea how it is being displayed in what he is being asked to do. It is this transcendent aspect to what is good, I will now argue, that is explored more explicitly in the subsequent discussion of the ethical in the second part of the book.

De Silentio's turn to the ethical is signalled at the end of the 'Preliminary Outpouring',²⁰ which moves to the discussions of three 'Problems' raised by the *Akedah*, beginning with 'Is there a teleological suspension of the ethical?', and continuing with 'Is there an absolute

¹⁹ Evans 2006: xix.

²⁰ *FT* 3:103 (p. 46; my emphasis): 'It is now my intention to draw out in the form of problems the dialectical factors implicit in the story of Abraham in order to see what a prodigious paradox faith is – a paradox that is *capable of making a murder into a holy act well pleasing to God*, a paradox that gives Isaac back again to Abraham, which no thought can lay hold of because faith begins precisely where thinking leaves off'.

duty to God?', and 'Was it ethically defensible of Abraham to conceal his undertaking from Sarah, from Eliezer, from Isaac?'. My suggestion will be that in each of these discussions, a key theme is that for faith to retain its character, it must retain its connection to the ethically absurd, where this is only possible if a social command theory of obligation is rejected in favour of a divine command theory of obligation, for only then can what is right or good be seen as possibly outstripping our understanding in a way that this conception of the absurd requires.²¹

In the first Problem, de Silentio begins with a characterisation of Hegelian *Sittlichkeit*, which involves not merely a Kantian conception of the universality of ethical principles,²² but also the universality of the ethical community of which the individual is part, and within which he encounters no ultimate antithesis between his merely particular interests and the universal good of the social whole, as that distinction becomes blurred. Within this conception, as we have seen, duties are enforced through the community, with this social end or telos in view, of creating a harmonic social order, one in which the individual is not crushed or subordinated, but finds their higher realisation. As a result, therefore, the good underlying the imposition on the individual of any duty is transparent, and what the individual is obliged to do can be justified to all by appealing to it directly.

This does not mean that on this account no conflict can arise, of course, as there will be circumstances in which the individual may be called upon to undergo great personal sacrifice for the sake of the well-being of the community. In this case, de Silentio argues, the individual is put in the position of what he calls the *tragic hero*, of which

²¹ This aspect of Kierkegaard's account has been emphasised in Outka 1973: 236 p. 236: 'Abraham's own antecedent criteria of right and wrong are not antecedently authoritative. For in a fashion akin to Job, he must finally defer to a wisdom superior to his own. His obedience may presuppose a general confidence in the wisdom of God's commands, but it does not require in the situation a perfect understanding in accordance with his own autonomous moral lights. In this life, at least, he must be prepared to change his mind. So he sets out, knowing that it is God who tries him, but not fully understanding the point of the command'. Cf. also pp. 240–4, and also Outka 1993: 213: '*Fear and Trembling* ... focuses on the danger ethics presents insofar as it sets antecedent terms for the individual's personal relation to God. We cannot fully anticipate what God may command us to do'.

²² Whilst it was once customary to take Kant to be Kierkegaard's focus here, it has increasingly been recognised that it is Hegel that forms his primary target. See, for example, Westphal 1981: 73–4/1991: 76–7. See also Evans 2009: 103–4. For a more complete set of references to different views on this issue, see Lee 1992: 102–3, note 3.

he gives three exemplars: Agamemnon, Jephthah, and Lucius Junius Brutus. All three are fathers who sacrifice their offspring for the sake of the good of society, where their duties are laid down as a result of their place within it, qua king or civic leader. The end for which these men acted is therefore clear, as are the requirements upon them; and while we may sympathise with them greatly, the ethical import of their actions is made transparent by the good realised by what they choose to do, where in each case their duties to the family are outweighed by their obligations to the state:

The tragic hero still remains within the ethical. He lets an expression of the ethical have its telos in a higher expression of the ethical; he reduces the ethical relation between father and son or daughter and father to a sentiment that has its dialectic in its relation to the idea of the ethical life. Here, then, there can be no question of the teleological suspension of the ethical itself.²³

However, while these men might make for tragic heroes, they cannot (in the manner of Abraham) make for knights of faith, not only because (unlike Abraham) they do not believe their children will be returned to them,²⁴ but also because (again unlike Abraham) the duties relating to their actions are of a *civic* kind, as is the moral value that belongs to them. Abraham, by contrast, acted because God commanded him to, where the good to be realised by sacrificing Isaac is opaque and unknown, and where that good is given priority over the moral value of acting to preserve the social order:

The case is different with Abraham [from that of the tragic hero]. By his act he transcended the whole of the ethical and had a higher telos outside, in relation to which he suspended it. For I would certainly like to know how Abraham's act can be brought into relation to the universal, whether any connection can be discovered between what Abraham did

²³ *FT* 3:109 (pp. 51–2).

²⁴ Cf. *FT* 3:108–9 (p. 51): 'When at the decisive moment Agamemnon, Jephthah, and Brutus heroically have overcome the pain, heroically have lost the beloved and merely must complete the deed externally, there never will be a noble soul in the world without tears of sympathy for their pain and tears of admiration for their deed. However, if at the decisive moment these three men were to add to their heroic courage with which they bore their pain the little phrase, "but it will not happen," who then would understand them? If as an explanation they added, "we believe it by virtue of the absurd," who then would understand them better? For who would not easily understand that it was absurd, but who could understand that one could then believe it?'

and the universal other than that Abraham overstepped it. It is not to save a people, not to uphold the idea of the state, not to appease angry gods that Abraham does it.²⁵

The fact that Abraham did not act to achieve any social good, and thus did not act in accordance with the duties that might legitimately be imposed upon him within the framework of *Sittlichkeit*, means that he can appeal to no such conception of moral value to legitimate his actions. All he can do is appeal to the fact that God requires these actions of him and that they are therefore his duty, but where the link between that duty and moral value can no longer be discerned in the way that it can in the case of the tragic hero:

Why does Abraham do it then? For God's sake, and what is altogether identical with this, for his own sake. He does it for God's sake because God demands this proof of his faith; he does it for his own sake so that he can prove it. Hence the unity is quite rightly expressed in a word always used to denote this relation: it is a trial, a temptation. A temptation; but what does that mean? That which ordinarily tempts a person, to be sure, is whatever would keep him from doing his duty, but here the temptation is the ethical itself, which would keep him from doing God's will. But then what is the duty? Well, the duty is precisely the expression for God's will.²⁶

The latter claim, therefore, shows that Abraham is much more than a tragic hero, and why a 'new category' is needed 'for understanding Abraham'.²⁷

Now, what makes this 'new category' that of the knight of *faith* is (as we saw previously) the link to the absurd, where here the link is based on the epistemic and moral uncertainty that Abraham is under and embraces, in a way that the tragic hero is not. For the tragic hero knows how his duty connects to the good, where Abraham does not, and so takes an enormous risk in acting as he does and taking it to *be* his duty to sacrifice Isaac, since God would not make it obligatory for him to kill Isaac by commanding it unless it *were* good in some way – but he has no idea how this might be so. In view of this, he then could use this as reasonable grounds on which to reject the command, by taking it to show that it is not God who is commanding him, or that

²⁵ FT 3:109 (p. 52).

²⁶ FT 3:109 (p. 52).

²⁷ FT 3:110 (p. 52).

he is misunderstanding what is being commanded.²⁸ Abraham does not do this, however, because he has the humility to simply trust in God, a humility which he could not exercise if the Hegelian position were right, and the connection here between moral value and duty could always be made clear, as it can on the social command account.

It is thanks to this opacity, however, that Abraham's position is fraught with epistemic and moral risk, because he cannot ever be certain he is not deluded and that his trust is not entirely misplaced:

[T]he tragic hero gives up the certain for the even more certain, and the eye of the beholder rests confidently upon him. But the one who gives up the universal in order to grasp something higher that is not the universal, what does he do? Is it possible that this can be anything other than a temptation? And if it is possible but the single individual then made a mistake, what salvation is there for him? He suffers all the pain of the tragic hero, he destroys his joy in the world, he renounces everything and perhaps at the same moment blocks himself from the sublime joy which was so precious to him that he would buy it at any price. The observer cannot understand him at all, nor confidently rest his eyes upon him.²⁹

It is by contemplating this possibility of radical error in Abraham's actions, a possibility that does not exist for the tragic hero, that Abraham becomes a figure of 'fear and trembling',³⁰ as one looks on at his action with dread. We can miss this, de Silentio argues, because we just think of the result of what actually happened, and how in the end things worked out well, as the moral value in what God was intending here is made clear again (God was trying to test Abraham, to work out the extent of his faith, to demonstrate his disapproval of child sacrifice, and so on). But for Abraham at the time, of course, this was not clear, and hence the awesome nature of his decision, and its apparent absurdity – where, de Silentio notes, a similar uncertainty

²⁸ Cf. Kant, *Relig* 6:99 note (p. 134): '[I]f an alleged divine statutory law is opposed to a positive civil law not in itself immoral, then is there cause to consider the alleged divine law as spurious, for it contradicts a clear duty, whereas that it is itself a divine command can never be certified sufficiently on empirical evidence to warrant violating on its account an otherwise established duty'; and also *Relig* 6:186–7 (pp. 203–4) and *CF* 7:63 note (p. 283).

²⁹ *FT* 3:110 (p. 53). ³⁰ Cf. *FT* 3:111 (p. 53).

related to those who first had faith in Christ, and to the actions of the Apostles.³¹

In the second Problem ('Is there an absolute duty to God?'), de Silentio is again concerned to show how a Hegelian ethics makes faith impossible. In this ethics, he allows, one might say that in some sense 'every duty, after all, is duty to God'; but the content for these duties really comes from the moral values inherent within ethical life, so that the appeal to the divine in fact acts nothing: 'God becomes an invisible vanishing point, an impotent thought, his power being only in the ethical which fills all existence'.³² There is thus no inner moment of fateful decision in the light of the divine, and thus there is no faith: 'Faith, on the contrary, is this paradox, that inwardness is higher than outwardness'.³³ De Silentio makes clear that by the 'inwardness' of faith here he does not mean anything like mystical feeling, which he agrees that philosophy would be right to 'get beyond'; rather, he means this vital connection with the absurd: 'Faith is preceded by a movement of infinity; only then does faith commence, unexpectedly, by virtue of the absurd'.³⁴

As a knight of faith, therefore, Abraham recognises a duty to God here, which cannot be given any grounding in the duties of ethical life. But this means it cannot be related to any social ends – where normally we would take it that if an action is not so related, then it is grounded in self-interest instead. However, that is not the basis of Abraham's action, which comes from his acknowledgement of a duty to God. Here, then, we have a duty that is nonetheless not mediated by the 'universal' of *Sittlichkeit*, by an appeal to the 'common good'. The paradox involved in thinking of Abraham's action as a duty to God, therefore, is that he is not acting for the general good (and so is acting egoistically?), but he is acting to sacrifice all he holds dear (and so is

³¹ FT 3:115 (p. 58; translation modified): 'One is moved, one returns to those beautiful times when sweet, tender longings lead one to the goal of one's desires, to see Christ walking about in the promised land. One forgets the anxiety, the distress, the paradox. Was it so easy a matter not to make a mistake? Was it not appalling that this person who walked among others was God? Was it not terrifying to sit down to eat with him? Was it so easy a matter to become an apostle? But the outcome, the eighteen centuries, it helps; it lends a hand to that paltry deception whereby one deceives oneself and others. I do not feel brave enough to wish to be contemporary with such events, but for that reason I do not judge harshly of those who made a mistake [and doubted that Jesus was God] nor slightly of those who saw things rightly'.

³² FT 3:117 (p. 59; translation modified).

³³ FT 3:117 (p. 60). ³⁴ FT 3:118 (p. 61).

not acting egoistically?) – a paradox that can be resolved by recognising a good beyond the general good that forms the basis of a duty to God alone, who cannot then be reduced to a ‘vanishing point’.³⁵

De Silentio underlines how such duties to God can go beyond our civic duties by quoting from Luke 14:26, and the ‘hard saying’: ‘If any man cometh unto me and hateth not his own father and mother and wife and children and brothers and sisters, yea, and his own life also, he cannot be my disciple’.³⁶ De Silentio resists all attempts to ‘soften’ these words; on the other hand, he does not take them to mean literal hatred either, as Abraham would not be Abraham unless he loved Isaac. What he is doing, however, is something that from any social conception of ethics must appear to be one of hatred and not of love, of murder and not of cherishing – just as the disciple may be required to renounce family and friends if asked to devote his life to God. De Silentio therefore also resists the thought that perhaps we *can* find some social good here, such as the good of the Church,³⁷ as in this case we would have a tragic hero again, and not a knight of faith. De Silentio concludes the second Problem with further reflections on the difference between the two, and how the certainties of the former make their position relatively easy compared to the latter, notwithstanding the undoubted sacrifices required of both.

In the third and final Problem (‘Was it ethically defensible of Abraham to conceal his undertaking from Sarah, from Eliezer, from Isaac?’), de Silentio treats at some length a feature of Abraham’s position that he has touched on in earlier discussions: namely, how that position necessarily isolates him from other people, and cuts him off from normal communication with them. This, again, relates to the

³⁵ *FT* 3:120 (p. 62): ‘Thus if one sees a person do something that does not conform to the universal, one says that he hardly did it for God’s sake, meaning thereby that he did it for his own sake. The paradox of faith has lost the intermediate factor, i.e. the universal. On the one hand, it is the expression for the highest egoism (doing the frightful deed for one’s own sake); on the other hand, it is the expression for the most absolute devotion (doing it for God’s sake). Faith itself cannot be mediated into the universal, for it is thereby annulled’.

³⁶ Cf. *FT* 3:120–1 (p. 63).

³⁷ Cf. *FT* 3:123 (p. 65): ‘Furthermore, the passage in Luke must be understood in such a way that one perceives that the knight of faith has no higher expression of the universal (as the ethical) at all in which he can save himself. If we thus let the church require this sacrifice from one its members, then we have only a tragic hero. For the idea of the church is not qualitatively different from that of the state, inasmuch as the single individual can enter into it by a simple mediation’.

deep uncertainty concerning the value of what he is about to do, an uncertainty that does not attach to the actions of the tragic hero. The latter can point to a generally recognised good that would be realised in his sacrifice, whereas the former cannot, and is therefore conscious that in the eyes of others it cannot be explained or justified. Given this opacity concerning the moral value of his action, he does not and cannot expect to be able to convince others of the worthiness of what he is doing: he is alone, and cannot expect anyone to follow him, as in this situation, each must judge how things stand for themselves. As *de Silentio* has put the point in the second Problem: 'Whether the single individual is now actually situated in a state of temptation or is a knight of faith, only the individual himself can decide'.³⁸

In the third Problem, therefore, the contrast with the Hegelian position is that nothing in Hegel's conception of moral value can prevent the grounds of an ethical action from being transparent, so that here Abraham's inability to communicate his purposes to Sarah, Eliezer and Isaac would be a sign that he is in the wrong. But in fact the paradox of Abraham's position is that he is in the right, but he cannot say what its rightness consists in or offer any ethical grounding for it, because God has only commanded him to sacrifice Isaac, without vouchsafing to him the reason why, where from the human perspective those reasons are utterly opaque. Thus, if Abraham were asked to justify his actions, he could not – just like the person who does what is wrong, but where that incommunicability is *not* a sign that the act actually is wrong. The opacity of the moral value in question, therefore, renders the action something that must be concealed, while the Hegelian, who has no such opacity within his account, cannot make sense of this, and so must mistakenly take Abraham's silence to show that he is acting in moral error.

De Silentio again contrasts Abraham's position to that of the tragic hero, who can speak and explain his actions, and also to other cases where silence might be permitted on grounds that do not apply to Abraham – for example, where that silence would save somebody else. Abraham's silence has an altogether deeper source, based on the transcendent grounding of what he is called upon to do, where that grounding is something he cannot articulate to others by explaining to them what makes his actions right. The tragic hero, by contrast, 'ought not to be afraid of having overlooked anything',³⁹ and so can

³⁸ *FT* 3:127 (p. 69; translation modified).

³⁹ *FT* 3:159 (p. 100).

explain what he takes to be the moral value in what he is doing, even if others might then disagree with him about that. By contrast, Abraham understands that if he did try to explain himself to Sarah, Eliezer, and Isaac, his action would inevitably start to seem unwarranted in his eyes, in a way that would constitute a temptation to do wrong. It is this threat that compels him into silence: where normally it is the possibility of silence that allows us to contemplate wrongdoing, here it is the possibility of communication, as the attempt at public justification makes clear exactly how difficult it is to supply.

I have argued, therefore, that *Fear and Trembling* involves a critique of Hegelian ethics from the perspective of faith, and the claim that this requires us to accept a divine command account of obligation instead. Within *Sittlichkeit*, the most that one can be is a tragic hero, because one's duties are transparently grounded in the moral values recognised within the social order. If we are to understand how Abraham could be a knight of faith, however, he must find himself in a situation where this sort of transparency breaks down, which can only occur if God is seen as the source of obligation for him, and not society. For it is possible to imagine God grasping the good in a way that we cannot, and so putting us under obligations in a way that are opaque from the human perspective, and which can therefore suspend the normal sense of where our duties lie. Only in this manner, Kierkegaard is arguing, can we put Abraham in the right relation to the absurd, and so see him not just as a tragic hero, but as a knight of faith.

In this way, therefore, we can do justice to the radical and disturbing implications that Kierkegaard clearly wanted to draw out from the Abraham story, without needing to commit Kierkegaard to a strongly voluntarist version of the divine command account in order to do so. As the contrast with Hegel has, I hope, made clear, it is sufficient to contrast their positions as accounts of *obligation*, and so to treat Kierkegaard's position as an 'intermediate' divine command theory, which views obligatoriness as constituted by God's will, rather than the good and the right as such. For, in the account I have offered, the radical nature of Kierkegaard's account comes from allowing the good and the right to be beyond our cognitive grasp, not from the fact that they depend on the arbitrary determination of the divine will.⁴⁰

⁴⁰ Along similar lines, Philip Quinn has argued that even if one abandons radical voluntarism in favour of some sort of 'modified' divine command theory of the sort proposed by Robert Adams, nonetheless '[t]o preclude the possibility of a credible divine

There is, however, a way in which Kierkegaard's critique of Hegel in *Fear and Trembling* is dialectically limited (though it would scarcely have struck Kierkegaard as such): namely, that it rests on the strategy of showing that Hegel's ethical position is in the end inadequate, because it cannot do justice to the nature of faith. Now, against Hegel himself, this is arguably an effective strategy, as Hegel did claim to be able to accommodate the latter – so if Kierkegaard has succeeded in showing that in fact his position in ethics makes this impossible, then this might well be considered an important consideration against it. But for those who are not committed to this part of the Hegelian programme, and who also take matters of faith and religion rather lightly, it may appear that the Kierkegaardian strategy can easily be shrugged off: for they will feel that even if Kierkegaard is right that endorsing the social command account of obligation comes at a cost in religious terms, this is of little significance to them, as it is a price they are happy enough to pay. In other words, it may be felt that in *Fear and Trembling* Kierkegaard has not yet given us a critique of the Hegelian position that will have much purchase on those who lack Kierkegaard's commitment to the religious life. For this, there is perhaps more reason to turn to *Either/Or*.

Kierkegaard's critique of Hegel in *Either/Or*

Either/Or is also a pseudonymous work, and is also published by Kierkegaard in 1843, a few months before *Fear and Trembling*. It consists of two volumes, put together by one 'Victor Eremita', where the papers of an aesthete known as 'A' make up the first volume, while those of a person known as 'B' make up the second one, where 'B' is revealed to be a Judge William. His papers mainly consist of two long letters that he has sent to A, together with a concluding sermon that he has received from a country priest. Broadly speaking, the structure of the work can be taken to reflect Kierkegaard's three 'spheres of existence', namely the aesthetic (volume 1), the ethical (William's papers in volume 2), and the religious (the sermon).⁴¹ As with *Fear and Trembling*, the

command to practice human sacrifice would be to attempt to domesticate the transcendent, which is at odds with its fearful and dangerous character' (Quinn 2002: 465). Cf. also Wainwright 2005: 205–8.

⁴¹ I say 'broadly speaking', because, as we shall see, there are significant religious elements in Judge William's ethical position; the question is, however, whether those elements take the religious dimension sufficiently seriously.

question is again whether the ethical can be developed in a way that is prior to the religious, but where this is not here posed by making the matter of faith quite so central, but rather the question of the ethical itself – what are the limitations of an ethics conceived of in this way?

Judge William presents himself as critical of some aspects of what he takes to be Hegelian doctrine, most especially of its treatment of contradiction and of its attendant inability (as he sees it) to take individual choice seriously.⁴² Nonetheless, perhaps in one of those ironies of failed self-knowledge that Kierkegaard delighted in as an author, William's own ethical outlook is shown to be that of a Hegelian.⁴³ This can be seen primarily in the way in which Judge William acts as a spokesman for the family, to the value of which he seeks to win round the A of volume 1. In doing so, the Judge was not only following Hegel in treating the family as a central institution of ethical life, but he also defends it as such in clearly Hegelian terms, through the working of 'love's dialectic',⁴⁴ whereby the romantic love that A champions is 'sublated' within the familial form (where it may not be coincidental to all this that William was also Hegel's second name).

As the first stage in this dialectic, A's romantic love is characterised in terms of *immediacy*:

But first I shall indicate the characteristics of romantic love. One could say in a single word: it is immediate. To see her and to love her would be one and the same, or even though she saw him but one single time through a crack in the shuttered window of a virgin's bower, she nevertheless would love him from that moment, him alone in the whole world.⁴⁵

Romantic love involves no rational reflection, but only the immediacy of feeling or impulse, where it is then related to the sensuous experience of beauty. At the same time, however, it takes itself to be distinguished from mere lust or carnal desire, so that it 'has an analogy

⁴² This mostly occurs in the opening parts of the Judge's second letter, on 'The Balance Between the Aesthetic and the Ethical in the Development of the Personality'. This critical element is reflected also in the comments that the pseudonymous author of the *Concluding Unscientific Postscript* makes about 'the ethicist in *Either/Or*': see *CUP* 7:438 note (p. 503).

⁴³ Jon Stewart has also emphasised the connections with Hegel here, criticising attempts by Niels Thulstrup to minimise these: see Stewart 2003: 225–9. For Thulstrup's treatment, see Thulstrup 1980: 324–8.

⁴⁴ *EO* 2:17 (p. 18). For a comparative study, see Perkins 1967.

⁴⁵ *EO* 2:18–19 (pp. 19–20).

to the moral in the presumed eternity, which ennobles it and saves it from the merely sensuous'.⁴⁶ The question Judge William presses, however, is whether it can maintain this distinction in a stable way, unless it incorporates more of morality: for in fact, through being based on feeling, it is no more eternal and enduring than lust itself. It may then be said, however, that the eternal consists in 'living in the present', whereby the moment of union is treated as if it lasts forever, where marriage is then rejected as a prolonging of this precious instant into the tedium of days and years together – an attitude encapsulated in the Byronic sentiment that 'love is heaven, marriage is hell'.⁴⁷ While a naïve romantic love is therefore prepared to accept the marriage ceremony as a joyful 'festivity', this more sophisticated form of romantic love dreads the thought of love going cold, and so insists that if marriage occurs, it can always be terminated if this happens; the eternal is therefore lost again, as divorce is possible on this basis at any moment. Judge William diagnoses a deep melancholy here, a kind of paranoid fear of abandonment and loss of affection, together with a morbid sense that perhaps one could do better elsewhere: 'What can one depend upon; everything may change; perhaps even this being I now almost worship can change; perhaps later fates will bring me in contact with another being who for the first time will truly be the ideal of which I have dreamed'.⁴⁸ Likewise, the lover may fear that they may themselves change and also leave the beloved in a hopeless relationship, and so again shun marriage. In a typically Hegelian reversal of the dialectic therefore, romantic love that started with the eternal and with joy has ended with the transitory and with despair.

In response, the reaction may then be to turn from the romantic position to its opposite, which moves from immediacy and feeling to mediation and reflection, as the individual contemplates the advantages to be gained from a marriage of convenience, with its basis in 'the understanding' and 'common sense'. This may appear to be a more ethically satisfactory position than romantic love, but in fact Judge William questions this: 'Insofar as it has neutralized the sensuous in marriage, it seems to be moral, but a question still remains whether this neutralization is not just as immoral as it is unesthetic'.⁴⁹ It has also

⁴⁶ *EO* 2:20 (p. 21).

⁴⁷ *EO* 2:21 (p. 22).

⁴⁸ *EO* 2:24–5 (p. 25).

⁴⁹ *EO* 2:25–6 (p. 27).

not solved the problem of the relation to the eternal, for a marriage of convenience may be dissolved at any time, when it outlives its usefulness. Judge William brings out the dialectical tension between the two positions so far discussed by quoting from 'a commonsensical little seamstress' in a 'recent play', who 'makes the shrewd comment about fine gentlemen's love: They love us, but they do not marry us; they do not love the fine ladies, but they marry them'.⁵⁰

Judge William then sets out, in a Hegelian manner, to find some way of achieving a 'mediated immediacy' here, and thus of 'sublating' both positions in a higher one that retains what is worthwhile in each while overcoming their 'one-sidedness'⁵¹ – for otherwise, we will be left with a lasting antithesis between inclination and duty, feeling and reason, and the temporal and the eternal. As Judge William puts it:

The question remains whether the immediate, the first love, by being caught up into a higher, concentric immediacy, would not be secure against this scepticism so that the married love would not need to plough under the first love's beautiful hopes, but the marital love would itself be the first love with the addition of qualifications that would not detract from it but would ennoble it. It is a difficult problem to pose, and it is of the utmost importance, lest we have the same cleavage in the ethical as in the intellectual between faith and knowledge.⁵²

Judge William thus takes as his 'task'⁵³ the attempt to show how this mediation between romantic love and marriage can be achieved, and the opposition that A sees between them can be overcome. It is this task that he carries out in the rest of his long first letter.

Clearly, Judge William's position here echoes Hegel's own, where, as we have seen,⁵⁴ he too argues that the immediacy of love as mere feeling must be transmuted, and given a more 'ethical character' in marriage, in which love can take on a higher and more satisfactory form. Likewise, Judge William's strategy is to argue that while first love can be a unity of sensuousness and spirituality, freedom and necessity, and eternity and temporality, it is so only in 'immediate' form, where this is more properly realised when love is contained within marriage:

⁵⁰ *EO* 2:26 (p. 28).

⁵¹ Cf. *EL* §§79–82, 8:168–79 (pp. 125–33).

⁵² *EO* 2:28 (p. 29).

⁵³ Cf. *EO* 2:29 (p. 31): 'So you see the nature of the task I have set for myself: to show that romantic love can be united with and exist in marriage – indeed, that marriage is its true transfiguration'.

⁵⁴ See above, Chapter 4, §Love vs Law.

[First love] is implicit in the unity of contrasts that love is: it is sensuous and yet spiritual; it is freedom and yet necessity; it is in the instant, is to a high degree present tense, and yet it has in it an eternity. All this marriage also has; it is sensuous and yet spiritual, but it is more, for the word 'spiritual' applied to the first love is closest to meaning that it is psychical, that it is the sensuous permeated by spirit. It is freedom and necessity, but also more, for freedom applied to the first love is nevertheless actually rather the psychical freedom in which the individuality has not yet purified itself of natural necessity ... Even more than the first love, it is an interior infinitude, for marriage's interior infinitude is an eternal life.⁵⁵

Judge William then considers a series of objections to this view. The first set of objections centres on the ends of marriage (that it is no more than a 'school for character', a means of producing children, or of acquiring a home), where the concern is that these all deprive it of any relation to love.⁵⁶ He then focuses on the marriage ceremony, and its apparently empty rituals, where the congregation and the public nature of marriage more generally seem to intrude on the privacy and inwardness of love. He also considers the threat to love within marriage posed by the kind of external trials that life can throw at the married couple, as well as the more internal threat of the dread hand of custom and familiarity, and of duty.

Judge William in all three cases attempts to defend marriage against the objections that he imagines A as raising, where it is the final criticism concerning duty that is of particular concern to us here. For, again, the Judge adopts a Hegelian line on this question, arguing that it is a mistake to see any antithesis between duty and inclination, and thus to assume that because it involves duties, marriage must in the end suppress love: 'So, then, you regard duty as the enemy of love, and I regard it as its friend ... For me, duty is not one climate, love another, but for me duty makes love the true temperate climate, and this unity is perfection'.⁵⁷ The mistake A is making, William argues, is to think (in a Kantian manner) that because love is an emotional state and

⁵⁵ *EO* 2:55–6 (pp. 60–1). Cf. also 2:42 (p. 45), where the argument for this conclusion starts: 'So we turn back to the first love. It is the unity of freedom and necessity. The individual feels drawn by an irresistible power to another individual but precisely therein feels his freedom. It is a unity of the universal and particular; it has the universal as the particular even to the verge of the accidental. But all this it has not by virtue of reflection; it has this immediately'.

⁵⁶ Hegel deals with these aspects of marriage in *PR* §§161–80, 7:308–38 (pp. 200–18).

⁵⁷ *EO* 2:133 and 134 (pp. 146 and 147).

something one feels willingly, it cannot be commanded;⁵⁸ but in fact, in marriage one's duty *is* to love in this way, so that '[d]uty is always consonant with love'.⁵⁹

Nonetheless, Judge William recognises, A may reply that while duty makes sense at a civic level, it makes no sense within a purely personal relationship, where 'if I form a close friendship with another person, love is everything here. I acknowledge no duty'.⁶⁰ William responds to this objection by arguing that even when it comes to civic duties, an individual may find in them his highest realisation, and yet it still makes sense to call them his duties – not because he does not want to carry them out, but because they are what are expected of him within society.⁶¹ Likewise, when it comes to love, an individual can expect certain things of himself and blame himself for failing in them, so that it also makes sense to think of love as a duty,⁶² without assuming that it becomes so because it goes against his inclinations; this would indeed make a duty to love into a contradiction, in the manner that A mistakenly takes it to be. Judge William thus concludes this part of the discussion, on which the philosophical reflections contained in this first letter end, with a final statement of his position on this issue:

But I have not been afraid of duty; it has not appeared to me as an enemy that would disturb the fragment of joy and happiness I had hoped to rescue in life, but it has appeared to me as a friend, the first and only confidant in our love.⁶³

⁵⁸ Cf. *MM* 6:401 (p. 530): 'Love is a matter of *feeling*, not of willing, and I cannot love because I *will* to, still less because I *ought* to (I cannot be constrained to love); so a *duty to love* is an absurdity ... What is done from constraint ... is not done from love'.

⁵⁹ *EO* 2:135 (p. 149). ⁶⁰ *EO* 2:136 (p. 150).

⁶¹ *EO* 2:137 (pp. 151–2): '[Y]ou think that all the rest of life can be construed within the category of duty or its opposite and that it has never occurred to anyone to apply another criterion; marriage alone has made itself guilty of this self-contradiction. You cite as an example the duty to one's occupation and think that this is a very appropriate example of a pure duty-relationship. This is by no means the case. If a person were to view his occupation merely as the sum total of assignments he carries out at specific times and places, he would demean himself, his occupation, and his duty. Or do you believe that such a view would make for a good public official? Where, then, is there room for the enthusiasm with which a person devotes himself to his occupation, where is there room for the love with which he loves it?'

⁶² *EO* 2:138 (p. 152): 'In marriage, however, the internal is primary, something that cannot be displayed or pointed to, but its expression is precisely love. Therefore, I see no contradiction in its being required as duty, for the circumstance that there is no one to supervise is irrelevant, since he can indeed supervise himself'.

⁶³ *EO* 2:138 (p. 153).

Likewise, in the second letter to A, where Judge William moves beyond his discussion of marriage and considers the contrast between the aesthetic and the ethical more broadly, this is a theme that he comes back to frequently. Once again, William expresses himself in Hegelian terms, contrasting his position with a more Kantian one:

The ethical is the universal and thus the abstract. That is why in its perfect abstraction it is always interdictory. Thus the ethical takes the form of law ... When the ethical becomes more concrete, it crosses over into the category of morals ... But the ethical is still abstract and cannot be fully actualized because it lies outside the individual. Not until the individual himself is the universal, not until then can the ethical be actualized ... The person who views life ethically sees the universal, and the person who lives ethically expresses the universal in his life. He makes himself the universal human being, not by taking off his concretion, for then he becomes a complete non-entity, but by putting it on and interpenetrating it with the universal ... The ethical individual, then, does not have duty outside himself but within himself.⁶⁴

Judge William therefore contends in a Hegelian manner that there is no fundamental antithesis between the individual and the ethical, no element of Kantian struggle: 'So the personality does not have the ethical outside itself but within itself and it bursts forth from this depth'.⁶⁵ Judge William also follows Hegel in stressing how life within *Sittlichkeit* will bring self-realisation to the individual, as he is able to exist as a concrete particular within the social whole.⁶⁶

Judge William then considers three possible objections to the picture that he has presented. The first is a worry about relativism: for, '[w]hen living for the fulfillment of duty is made a person's task in life', then 'what is often pointed out is the scepticism that duty itself is unstable, that laws can change', where this issue is said to apply particularly to 'civic virtues'. Judge William admits that this may be true up to a degree, but only within limits, for '[t]his scepticism, however,

⁶⁴ EO 2:229–30 (pp. 255–6) ⁶⁵ EO 2:230 (p. 257).

⁶⁶ EO 2:235 (p. 262): 'The person who has ethically chosen and found himself possesses himself defined in his entire concretion. He then possesses himself as an individual who has these capacities, these passions, these inclinations, these habits, who is subject to these external influences, who is influenced in one direction thus and in another thus. Here he then possesses himself as a task in such a way that it is chiefly to order, shape, temper, inflame, control – in short, to produce an evenness in the soul, a harmony, which is the fruit of the personal virtues'.

does not apply to the negative aspect of morality' (that is, certain fundamental ethical prohibitions), 'for that continues unchanged'.⁶⁷

The second objection turns out to be more fundamental for the critique of Hegelianism that is to follow. This is that duty is something beyond us, something that we may be utterly unable to do, because it demands too much of us: 'The duty is the universal. What is required of me is the universal; what I am able to do is the particular'.⁶⁸ Judge William argues, however, that from a Hegelian perspective, this worry is misplaced. For while doing one's duty in a general sense is aimed at the good of all, and while none of us can achieve this as individuals, I can still be capable of doing my *particular* duties, as the things required of me by virtue of my place within the wider whole, where it is at this wider level that the good of all is realised:

I never say of a man: he is doing his duty or duties; but I say: He is doing *his* duty; I say: I am doing *my* duty, do *your* duty. This shows that the individual is simultaneously the universal and the particular. Duty is the universal; it is required of me. Consequently, if I am not the universal, I cannot discharge the duty either. On the other hand, my duty is the particular, something for me alone, and yet it is duty and consequently the universal. Here personality appears in its highest validity. It is not lawless; neither does it itself establish the law, for the category of duty continues, but the personality takes the form of the unity of universal and particular. That this is so is clear; it can be made understandable to a child – for I can discharge the duty and yet not do *my* duty, and I can do *my* duty and yet not discharge the duty.⁶⁹

Judge William therefore presents it as a fundamental feature of his Hegelian position, and also one of its great virtues, that it treats our ethical obligations as attainable by the individual; for otherwise, A would be right in viewing the ethical standpoint as an alienated form of life, in which we could no longer feel 'at home in the world'.

A third objection William considers is a *historicist* worry that if we endorse this Hegelian picture, we will have to assess people's ethical standing by the moral practices of their own society; but these can vary greatly, so that we might have to say that those who do unspeakable things are nonetheless to be considered good, because that is what their practices encouraged and sanctioned. Judge William's response

⁶⁷ *EO* 2:236 (p. 263).

⁶⁸ *EO* 2:236 (p. 263).

⁶⁹ *EO* 2:236 (pp. 263–4).

is twofold. On the one hand, he argues, we should be careful not to exaggerate the historical relativity that can be found, so that for example, 'there has never been a nation that believed that children should hate their parents'.⁷⁰ On the other hand, he allows that practices within societies may still vary greatly, so that 'savages [have] practised the custom of putting their aged parents to death'.⁷¹ However, he claims, we should be careful about assuming that the individuals involved in these practices were therefore evil: for what they were intending to do thereby was often good (such as ensuring the parents' souls reached heaven, for example), so that the divergence is about the facts (concerning how the afterlife works and whether there is one), not a deep ethical variation which cannot be sufficiently marked on the Hegelian account.⁷² At the same time, Judge William argues, if one does not accept the moderate historicism of his position, then one will be searching for an 'Archimedean point from which one can lift the world', a perspective outside all our historical ethical practices from which to judge them – but this, the Judge urges, is as hopeless as looking for the source of the Niger, where it must be admitted that 'no one knows where it is'.⁷³

After prematurely promising A that '[h]ere I shall bring my theorizing to an end', by then recounting his own childhood experience of the inculcation in him of a sense of duty, Judge William finally takes up the theme of the relation between obligation and beauty. Where A sees a clear antithesis here, the Judge again follows Hegel's more Schillerian outlook, and insists that the latter can be found in the former, even in the duty to work. Once more, William insists that this is so because within the social whole within which the individual works, he also contributes to his self-realisation, so that work need not be seen as alien to him or his nature.⁷⁴ Having accepted this view of

⁷⁰ *EO* 2:237 (p. 265). Kierkegaard is doubtless expecting us to have in mind the passages from Luke that were quoted in *Fear and Trembling* which we have cited earlier, concerning the 'remarkable teaching' that duty to God may require the hatred of family.

⁷¹ *EO* 2:237–8 (p. 265).

⁷² 'The ethical always resides in this consciousness [of intending to do good or evil], whereas it is another question whether or not insufficient knowledge is responsible' (*EO* 2:238 (p. 265; translation modified)).

⁷³ *EO* 2:238 (p. 265).

⁷⁴ Cf. *EO* 2:262 (p. 292): 'The ethical thesis that every human being has a calling expresses, then, that there is a rational order of things, in which every human being, if he so wills, fills his place in such a way that he simultaneously expresses the universally human and the individual'. For Hegel on work, cf. *PR* §§196–8, 7:351–3 (pp. 231–3).

work, and also the earlier one of marriage, Judge William's 'hero' is ready to settle equably into the kind of contented bourgeois life that Hegel too treats as an ideal within *Sittlichkeit*:

Hence our hero lives by his work; his work is also his calling; therefore he works with a will. Since it is his calling, it places him in touch with other people, and in carrying out his task he accomplishes what he would wish to accomplish in the world. He is married, content in his home, and time runs smoothly for him.⁷⁵

And, as the Judge later in effect confesses, 'our hero' is Judge William himself, who concludes by putting forward his own life to A as a paradigm of ethical existence and the kind of satisfactions it can bring.⁷⁶

Before turning finally to the critique that Kierkegaard sets up in the last part of *Either/Or*, it is important to the force of that critique to emphasise that Judge William has also presented himself as including a *religious* dimension within his perspective on the ethical, where this is comfortably accommodated within his conception of civic life.⁷⁷ Judge William thus presents himself as a Christian, who sees marriage and the having of children in religious terms.⁷⁸ He therefore accepts A's challenge to show that, like the ethical, Christianity is also not inimical to the aesthetic, properly conceived, and so is not opposed to all notions of sensuousness and beauty.⁷⁹ He also accepts A's challenge concerning the Christian view of sin, pointing out that the Church does allow marriage, while the Judge clearly finds any idea of original sin hard to accept, particularly as this relates to the individual rather than just human kind in general.⁸⁰ He also rejects mysticism as a model for the Christian life,⁸¹ in large part because this removes an individual from their civic responsibilities: 'It is especially as a married man and as a father, that I am an enemy of mysticism'.⁸² While it cannot be gone into fully here, in his attitude to the relation between the

⁷⁵ *EO* 2:293-4 (p. 305). ⁷⁶ See *EO* 2:290-1 (pp. 323-4).

⁷⁷ Cf. Rudd 1993: 141-3, where Rudd comments that for the Judge, 'his religion is a sort of metaphysical epiphenomenon of his ethics - a halo on his head, but no part of his body' (p. 141). Norman Lillegard has protested against views of William that treat him as 'an insipid "Hegelian" bourgeoisie who essentially lives without God while hiding in a civil righteousness'; but even he admits that it is 'nonetheless true that he sees the relation to God as always being mediated by and thus limited by the ethical': see Lillegard 1995: 108. On this issue, see also Watkins 1995.

⁷⁸ *EO* 2:27-9 (pp. 28-29); 2:51-4 (pp. 55-8); 2:82-6 (pp. 89-94); 2:291 (p. 324).

⁷⁹ *EO* 2:44-6 (pp. 48-50). ⁸⁰ *EO* 2:83-4 (pp. 91-2).

⁸¹ *EO* 2:216-25 (pp. 241-50). ⁸² *EO* 2:219 (p. 244).

religious and the ethical, Judge William's approach once again mirrors Hegel's to a large degree, and shares many of the latter's assumptions concerning the place of religion within social life.⁸³

Now, as other commentators have noted, it is against this background that we need to understand the concluding part of *Either/Or*, and its role as a critique of the foregoing.⁸⁴ This section takes the form of a sermon sent to Judge William by a pastor in Jutland who was a student friend; William now passes it on to A some time after he has received the Judge's letters. The juxtaposition here is startling, and tells us a good deal about what will follow in the *Works of Love*.

The title of the sermon is 'The Edification that Lies in the Thought That in Relation to God We Are Always in the Wrong'.⁸⁵ This is an immediate challenge to Judge William's Hegelian outlook, not only in violating Hegel's dictum that 'philosophy must beware of the wish to be edifying',⁸⁶ but also in suggesting that our duty may be beyond us. As we have seen, this was a concern about the ethical that was raised by A, who feared that it might involve a constant process of Kantian self-overcoming, in which the individual must set aside their own desires and interests in such a way to act as morality requires. In response, Judge William had argued, because within civic life the duties of each particular individual can be limited and yet still realise the good of the whole, the ethical is therefore not so strenuous as to make its realisation difficult or impossible for the individual, in a way that would result in a clash between our moral and non-moral selves. Likewise, for Hegel, '[a]n ethical order provides individuals with a generally satisfying mode of life, so that they are seldom called upon to make great personal sacrifices for others'.⁸⁷ This does not mean, of course, that they live merely within the range of their narrow self-interest, as those interests will include a concern with others and their well-being, built on a variety of social ties through the family, civil society, and the state; but on the other hand, it does mean that there are limits to

⁸³ Cf. *PR* §270, 7:415–31 (pp. 291–303).

⁸⁴ Cf. Westphal 1998: 106–7, where he notes that '*Either/Or* is Janus faced by virtue of this ending, which in the fewest of words puts the long, Hegelian exposition of the ethical in question'. See also Perkins 1995 and Law 1995. Curiously, in his very full discussion of the Hegel/Kierkegaard relation, Jon Stewart does not mention this part of *Either/Or*, and thus presents the latter as a 'pro-Hegelian' text.

⁸⁵ I have preferred the translation of 'Edification' to 'Upbuilding', and will continue to use this throughout.

⁸⁶ *PS* 3:17 (p. 6). ⁸⁷ Wood 1999: 210.

the demands placed upon them as individuals, as those demands are mediated through the workings of the community as a whole, thus reducing the requirements on each to a manageable level, one that is consistent with the concerns they can be expected to have developed as virtuous individuals living within a well-ordered society that cares for its citizens. This is why Judge William thinks he can satisfactorily answer the aesthete's concerns about duty, because he thinks he can rightly claim that the moral demand on us is not so great as to outstrip our human capacity to meet it.

By characterising Judge William for us, however, and then juxtaposing his position with that of his pastor friend as well as with that of the aesthete, Kierkegaard seems to have wanted to highlight what he sees as the limitations of the Judge's Hegelian outlook: for it is precisely the ethical *undemandingness* of William's life that this juxtaposition shows up, and the extent of his moral complacency. Again, this is not because William is any sort of straightforward egoist or amoralist, who denies that morality has any call on him at all; it is just that he is sure that this call is a moderate one, that can be met relatively easily within the terms of his bourgeois life. He thus feels every confidence that if he satisfies his place in society, his ethical requirements will have been honoured, which is precisely why he thinks he can calm A's fears concerning the ethical. At the same time, he is uncomfortable with the suggestion that the Christian outlook somehow goes beyond this, with its claims about sin, repentance, and grace;⁸⁸ properly conceived, he clearly hopes, nothing in the Christian outlook threatens his ethical stance.

What the pastor's sermon offers, however, is a challenge to the Judge's comfortable conception of the moral demand, taking as its theme that in fact ethically considered, 'we are always in the wrong'. The text that the pastor chooses for his sermon is Luke 19:41–8, in which Jesus predicts the downfall of Jerusalem, and then ejects the merchants and money-changers from the temple – where the mistake is to confuse civic virtue with what is required of us in order to 'live in the right'.⁸⁹

⁸⁸ Robert Perkins has emphasised the limited view that Judge William has of these notions: see Perkins 1995: 215–7.

⁸⁹ Cf. Hannay 1991: 64: '[Jesus's] point is not, of course, by association to accuse incumbents of positions of civic and political responsibility of thievery; it is rather ... to bring out the incompatibility between civically defined virtue ... and the notion of a transcendent God as the source and guarantor of personal value or fulfilment'.

But, it might be said, isn't this to ask more of us than can be reasonably expected? The pastor is scornful of this sort of response:

If I should speak in a different way, I would remind you of a wisdom you certainly have frequently heard, a wisdom that knows how to explain everything easily enough without doing an injustice either to God or to human beings. A human being is a frail creature, it says; it would be unreasonable of God to require the impossible of him. One does what one can, and if one is ever somewhat negligent, God will never forget that we are weak and imperfect creatures. Shall I admire more the sublime concepts of the nature of the Godhead that this ingenuity makes manifest or the profound insight into the human heart, the probing consciousness that scrutinizes itself and now comes to the easy, cozy conclusion: One does what one can?⁹⁰

While someone with Judge William's ethical sensibilities may feel he has 'done what he can', the pastor makes clear that the right attitude is the 'dread' that one has fallen short, that one could have done more, that one has fooled oneself into thinking that this was all that was required when in fact more is really demanded. 'So every more earnest doubt, every deeper care is not calmed by the words: One does what one can'.⁹¹

The pastor then moves on to consider whether anything *edifying* can be found in the thought that 'as against God we are always in the wrong', and if so, how? Being in the wrong pains us, though it may be edifying to think that this sense of wrongness may then induce us to be better; but here we are considering the claim that we are *always* in the wrong, so this sort of edification will not apply in this case. The pastor then considers a situation in which you love someone who does wrong to you; here, he suggests, you might find some edification in the thought that you would rather it were *you* who had done wrong. But still, you don't believe here that you actually *have* done wrong, so that again this does not really fit the position the pastor is considering. Nonetheless, he suggests, thinking of a relationship in which love plays an important role is a significant step forward, where what is in question is love of an infinite being like God. But again, there is no edification in believing that one is in the wrong by comparing oneself to God's infinite goodness and then realising that one always

⁹⁰ EO 2:310 (pp. 344–5). ⁹¹ EO 2:311 (p. 346).

falls short.⁹² If it is to be edifying, the sense of one's wrongness must not come about through reflection in this way: rather, it must come through the love one feels for God:

Therefore this, that in relation to God you are always in the wrong, is not a truth you must acknowledge, not a consolation that alleviates your pain, not a compensation for something better, but it is a joy in which you win a victory over yourself and over the world, your delight, your song of praise, your adoration, a demonstration that your love is happy, as only that love can be with which one loves God.

Therefore this thought, that in relation to God we are always in the wrong, is an edifying thought; it is edifying that we are in the wrong, edifying that we are always in the wrong.⁹³

It is this relation to God that Judge William, who thinks he is mostly in the right,⁹⁴ fails to attain, and from which he is therefore cut off.

The pastor recognises, however, that this thought that we are always in the wrong might be taken to be paralysing: for if this is so, why should we bother trying to act rightly at all, and not simply despair of ethical action altogether?⁹⁵ The pastor concedes that if we come to the conclusion that we are always wrong by comparing ourselves to the way in which God is always right, we might indeed become despairing in this way. However, he has already argued that this is not how the thought of our wrongness should be seen as coming about; rather, we have come to this belief out of our love for God, so that it brings with it joy and a positive sense of potentiality, not gloomy inadequacy and hopelessness: 'In relation to God we are always in the wrong – this thought puts an end to doubt and calms the cares; it animates and inspires to action'.⁹⁶

⁹² Cf. *EO* 2:314–5 (p. 350): 'You acknowledge, then, that God is always in the right, and as a consequence of that you are always in the wrong, but this acknowledgement did not edify you. There is nothing edifying in acknowledging that God is always in the right, and consequently there is nothing edifying in any thought that necessarily follows from it. When you acknowledge that God is always in the right, you stand outside God, and likewise when, as a conclusion from that, you acknowledge that you are always in the wrong'.

⁹³ *EO* 2:315–6 (p. 351).

⁹⁴ Cf. *EO* 2:213 (p. 237), where Judge William affirms that it is 'a sign of a high-minded person and a deep soul if he is inclined to repent', but on the other hand he thinks it can be done 'without too much pondering'.

⁹⁵ *EO* 2:317 (p. 353). Hegel was himself always keen to stress the dangers of paralysis in a certain kind of overwrought moral sensibility: see, for example, his discussion of the beautiful soul as well as his critique of Kant's postulates in *PS* 3:453–94 (pp. 374–409).

⁹⁶ *EO* 2:317 (p. 353). There are obvious parallels between what the pastor says here about the possibility of joy in the face of God's demand, and what Johannes de Silentio said about Abraham's joy in *Fear and Trembling*.

Kierkegaard may therefore be read as setting the pastor's theologically informed ethics alongside Judge William's more Hegelian and secular one, according to which one 'does what one can' within the duties prescribed by the state – a state that seeks to balance the 'particularity' of our interests with the 'universality' of the general good, and thus does not ask too much of us as individuals. According to the pastor's theological ethics, by contrast, one is always 'in the wrong', always falling short of what is required, where nonetheless this remains an edifying and not dispiriting perspective, in so far as these requirements come to us from a loving God.

This contrast is not fully developed or defended by the pastor – whose brevity marks another contrast with Judge William and his loquaciousness. Instead, the pastor concludes with what sounds like a warning of what might happen if a secularised Hegelianism were to triumph, and the properly theological tradition in ethics were lost:

Could you wish that you might be in the right; could you wish that the beautiful law which for thousands of years has carried the generation through life and every member of the generation, that beautiful law, more glorious than the law which carries the stars on their paths across the arch of heaven, could you wish that that law would break, an even more terrible catastrophe than if the law of nature lost its power and everything disintegrated into dreadful chaos? Could you wish that?⁹⁷

Here, it is clear, Kierkegaard intends us to see in the pastor's words a fundamental challenge to the Hegelian position represented by Judge William, who had tried to present ethics as going with the grain of our human capacities, while the pastor sets it at odds with them, in a way that puts us always in moral error. The challenge here is not only a religious one (though of course it is also that), but is also based on a concern with how ethics itself is to be conceived: namely, as a radical demand that we cannot fulfil on our own, and which therefore only makes sense when understood in theological terms. It is this challenge, I will now suggest, that is more fully explored in the *Works of Love*, to which we turn next.

⁹⁷ EO 2:318 (p. 354).

KIERKEGAARD'S SOLUTION TO THE PROBLEM OF MORAL OBLIGATION

Works of Love was published in 1847, and is one of a series of 'Christian discourses' that appeared under Kierkegaard's own name around this time. Its central focus is love and the various forms that it can take, and in particular how love figures in what Jesus gives as the second commandment, or the so-called 'royal law': 'You shall love your neighbour as yourself'.¹ I will suggest in this chapter that one central purpose of Kierkegaard's extended meditation on this commandment is to show how the limitations he has identified with the Hegelian position require us to take up a divine command account of obligation. Kierkegaard's strategy, I will claim, is to emphasise how on the one hand morality asks much more of us than can be accommodated within the Hegelian picture (which, as we have seen, was already the theme of the pastor in *Either/Or*), while on the other hand we can only make sense of this demandingness if we think we are being asked to act in that way by God, whose capacity to judge, assist and forgive us differs from that of any other kind of obligating source. Thus, for Kierkegaard, only a divine command theory can make intelligible a morality that expects more of us than the limited requirements to be found within Judge William's vision of ethical life, and its expectation that one merely 'does what one can'.

The love commandment and the 'moral gap'

Near the beginning of *Works of Love*, Kierkegaard writes:

¹ Cf. Matthew 19:16–19, Matthew 22:35–40, Mark 12:28–34, John, 15:17, Luke 10:25–28, James 2:8–9 (it is in James that the commandment is referred to as the 'royal law'). Cf. also Leviticus 19:18.

Take a pagan who is not spoiled by having learned thoughtlessly to patter Christianity by rote or who has not been spoiled by the delusion of being a Christian – and this commandment, 'You *shall* love', will not only surprise him but will disturb him, will be an offense to him.²

The pagan thinks of love as 'the play of feelings, drives, inclinations, and passions, in short that play of the powers of immediacy, that celebrated glory of poetry in smiles or in tears, in desire or in want',³ and thus as something we willingly feel for others on a natural basis. He will therefore find it curious indeed to speak of a *command* to love, in part because he will not see how love, as a feeling, can be commanded at all,⁴ but also because he will see no *need* for the command, in so far as on his conception of love, it is something we are spontaneously inclined to feel in any case, and so does not have to be *required* of us in this manner. For the pagan, therefore, 'You *shall* love ... contains this apparent contradiction: to love is a duty'.⁵

The perspective of the true Christian on love, however, is not like that of the pagan: 'what a difference between this and the earnestness of eternity, the earnestness of the commandment in spirit and truth, in honesty and self-denial!'.⁶ To the Christian, then, it makes sense to think of love as being *demand*ed of us, because love as he conceives it goes beyond our natural disposition. However, his outlook will then seem shocking to the pagan in another way, as it now appears that the commandment is asking us to 'overcome ourselves', raising the question of how we can manage to obey it. Looked at from a pagan perspective, therefore, the love commandment causes 'offense', because it seems to be requiring of us what cannot be achieved, and so to mock us and our human capacities.⁷

² WL 9:28 (p. 25). ³ WL 9:29 (p. 25).

⁴ As Hannay notes, this was Kant's view of 'pathological love': see Hannay 1991: 254–62. Cf. Kant *GM* 4:400 (p. 55), *MM* 6:401 (p. 530), *MM* 6:410 (p. 537).

⁵ WL 9:27 (p. 24). ⁶ WL 9:29 (p. 25).

⁷ As Anthony Rudd has noted, J. L. Mackie may be taken to be responding to the love commandment in this 'pagan' manner when he writes: 'The biblical commandment "Thou shalt love thy neighbour as thyself", though it has its roots in a mistranslation of a much more realistic rule, is often taken as prescribing a universal and equal concern for all men. So interpreted, it is, as Mill says, effectively equivalent to the utilitarian principle. And it is similarly impracticable. People simply are not going to put the interests of their 'neighbours' on an equal footing with their own interests and specific purposes and with the interests of those who are literally near to them. Such moral concern will not be the actual motives of their choices, nor will they act as if they were' (Mackie 1977: 130–1; cited in Rudd 1993: 164). Rudd also cites Steiner 1971: 43.

What makes this sort of pagan response ‘unspoil’ and therefore *honest* in Kierkegaard’s eyes is that at least it involves the proper acknowledgement of how radical and strenuous the love commandment really is. By contrast, someone who we might call the ‘dishonest Christian’ (the Christian of the ‘Christendom’ that Kierkegaard so much despised) takes herself not to reject the commandment, but to abide by it – and yet this conformity is achieved only by watering it down so that it can be met with little difficulty. As a result, Kierkegaard thinks, the love commandment has been ‘tamed’ and been made to look innocuous, so that we can easily forget what it really involves,⁸ while at least the ‘honest pagan’ takes it seriously, even if he then rejects it as a consequence. Thus (as we have seen), just as Kierkegaard presents the story of Abraham, or the ‘hard saying’ in Luke, in such a way as to disturb and challenge us, so too he thinks that we are right to find the love commandment problematic, given all that he takes it to involve.

In this way, therefore, the love commandment highlights for Kierkegaard what John Hare has called the ‘moral gap’. Such a gap arises, Hare argues, for any ethical position which holds that a requirement of morality outstrips our capabilities for meeting it. When such a gap is proposed, Hare suggests, there are four main ways one might respond, two of which deny that the gap in fact exists, and two of which attempt to bridge it. Thus, one might claim that in fact there is no gap, as our capacities are greater than is being supposed; or alternatively, one might claim that the moral demand is being set too high, so that in fact our ordinary capacities are adequate to meet it. On the other hand, one could accept that such a gap exists, but argue that there are nonetheless ways we can be helped to deal with it, either by giving God a role in the account, or in some more naturalistic manner.⁹

In these terms, therefore, Kierkegaard may be seen as using the love commandment to insist against the first two strategies that there

⁸ Cf. *WL* 9:29–32 (pp. 25–29), esp. 9:30 (p. 27): ‘A tool that a craftsman uses becomes dull over the years, and a spring loses its tension and becomes weak, but that which has the tension of eternity retains it totally unchanged through all ages. When a strength-tester has been used for a long time, eventually even the weak can meet the test, but eternity’s standard of strength by which every person is to be tested – whether he will have faith or not – remains totally unchanged through all ages’.

⁹ See Hare 2002: 25–6 and 36–7 for an overview of these positions, which are then treated at length in subsequent chapters. Hare himself discusses Kierkegaard primarily in Chapter 8, while other writers who employ Hare’s notion of a ‘moral gap’ in analysing Kierkegaard include Quinn 1998 and Evans 2004: 49 and 82.

really is a moral gap; and the sermon from the pastor in *Either/Or* may be viewed as attempting to overturn the Hegelian strategy adopted by Judge William, who, as we have discussed, appeals to the assistance of the state in realising the full moral demand in a way that then reduces the burden of obligation on each particular individual to a manageable level.¹⁰ The latter strategy is apparent in William's distinction between duty in general and *my* duty, where the former is realised by the community as a whole, rendering the latter more attainable for each citizen. For Kierkegaard, however, the upshot is not unlike the position of the 'dishonest Christian', whereby the Judge may think he is abiding by a Christian ethic,¹¹ but in fact he is failing to recognise the full extent of what is required of him as an individual. Thus, using the love commandment to eliminate the other alternatives, Kierkegaard shows that we must both accept the moral gap, and also treat God as the only viable means of dealing with it – where from this claim, a divine command account of obligation is seen to follow.

We will consider this second step in the third section; in the next section, I want to consider further the way in which Kierkegaard uses the love commandment to highlight the moral gap. What is it about the commandment that makes it so difficult for us to achieve, and why must it be understood in this strenuous way?

What is the love commandment?

Kierkegaard's case for the strenuousness of the love commandment turns on a close consideration of what is meant here by *love*, and by *neighbour*.

¹⁰ At the start of Chapter 7, Hare himself briefly indicates that he would see Hegel as offering to bridge the moral gap in a naturalistic, non-theological manner, but does not say any more: see Hare 2002: 170.

¹¹ As we discussed in the previous chapter, William undoubtedly uses religious language in presenting his ethical outlook, and is prepared to talk in terms of sin and repentance; but the question is whether he is taking these issues with the 'seriousness of the true Christian', and thus genuinely facing up to the 'moral gap' that this implies. This issue is discussed in Perkins 1995. Cf. *CUP* 7:227 (p. 268): 'Sin was not brought up in any of the pseudonymous books. The ethicist in *Either/Or* [i.e. Judge William] did indeed give a religious touch to the ethical category of choosing oneself by accompanying the act of despair with repenting oneself out of continuity with the race, but this was a vitiation that no doubt had its basis in the aim of keeping the work ethical – quite as if in accordance with my wishes – namely, in order that every factor should become clear separately'.

Kierkegaard begins by considering *self-love*, the kind of love for oneself that one is then also meant to show the neighbour. Now, Kierkegaard notes, basing the commandment round this sort of self-love might seem to make the commandment too easy: for, it could be claimed, wouldn't it be more high-minded if the demand were that we love the neighbour *more* than ourselves?¹² Kierkegaard thinks that this high-mindedness is vacuous, however, while also being morally problematic, as it is only through the comparison with *self-love* that we come to recognise the need to prevent others harming their own interests.¹³ On the other hand, the relation to self-love might seem to make the commandment too hard in a rather straightforward way: for one might think that our love for ourselves is so self-centred that it could not possibly be shown to others. Kierkegaard argues, however, that it is questionable whether individuals who display this kind of self-centredness really love themselves at all or know where their well-being truly lies, while a genuine self-love is rich enough to allow the individual to also feel for others and not merely focus on their own concerns.¹⁴

¹² Cf. WL 9:22–3 (pp. 18–19): 'But would this really be the highest; would it not be possible to love a person *more than oneself*? Indeed, this kind of poetic effusion is heard in the world. Would it perhaps then be so that it is Christianity that is unable to soar that high and therefore (probably also because it addresses itself to simple, everyday people) is left miserably holding to the requirement to love the neighbour *as oneself* ... – would this perhaps be so? Or would we, since we do make a concession to *celebrated* love in comparison with *commanded* love, meagerly praise Christianity's level-headedness and understanding of life because it more soberly and more firmly holds itself down to earth, perhaps in the same sense as the saying "Love me little, love me long?"'.

¹³ Cf. WL 9:24 (p. 20): 'a human being you shall love as yourself. If you can perceive what is best for him better than he can, you will not be excused because the harmful thing was his own desire, was what he himself asked for. If this were not the case, it would be quite proper to speak of loving another person more than oneself, because this would mean, despite one's insight that this would be harmful to him, doing it *in obedience* because he demanded it, or *in adoration* because he desired it. But you expressly have no right to do this; you have the responsibility if you do it, just as the other has the responsibility if he wants to misuse his relation to you in such a way'.

¹⁴ Cf. WL 9:26–7 (p. 23): 'Whoever has any knowledge of people will certainly admit that just as he has often wished to be able to move them to relinquish self-love, he has also had to wish that it were possible to teach them to [properly] love themselves. When the bustling wastes his time and powers in the service of futile, inconsequential pursuits, is this not because he has not learned rightly to love himself? When the light-minded person throws himself almost like a nonentity into the folly of the moment and makes nothing of it, is this not because he does not know how to love himself rightly? When the depressed person desires to be rid of life, indeed, of himself, is this not because he is unwilling to learn earnestly and rigorously to love himself?'.

In fact, Kierkegaard holds, when we think about the kind of erotic love praised by 'the poet', we can see how it can be easy to get beyond this narrow-minded focus merely on oneself: for in erotic love, we turn from a preoccupation just with ourselves and what we want, to a devoted concern for the happiness and well-being of the other. Likewise, the same is true in the case of love between friends, where this is also a more stable form of affection than we find in erotic love. One might think, therefore, that these are the kinds of love that the commandment is enjoining us to show to one another.

However, despite these features of erotic love and friendship, Kierkegaard insists that neither are the real focus of the love commandment: for, the love commandment enjoins us to love the *neighbour*, who is not a particular individual for whom one feels some sort of emotional attachment; it is simply the one who happens to present herself to you as in need of assistance (which for Kierkegaard may be as much spiritual as physical, to help them love God), where it could be *any* person that calls upon you in this way, making them genuinely 'other' and requiring you to set aside all your preferences and thus to act in a properly self-denying manner:

The same holds true of friendship as of erotic love, inasmuch as this, too, is based on preference: to love this one person above all others, to love him in contrast to all others. Therefore the object of both erotic love and of friendship has preference's name, 'the beloved', 'the friend', who is loved in contrast to the whole world. The Christian doctrine, on the contrary, is to love the neighbour, to love the whole human race, all people, even the enemy, and not to make exceptions, neither of preference nor of aversion...

Who, then, is one's neighbour [Næste]? The word is obviously derived from 'nearest [Nærmeste]'; thus the neighbour is the person who is nearer to you than anyone else, yet not in the sense of preferential love, since to love someone who in the sense of preferential love is nearer than anyone else is self-love – 'do not the pagans also do the same?' ... The concept 'neighbour' is actually the doubling of your own self; 'the neighbour' is what thinkers call 'the other', that by which the selfishness in self-love is to be tested.¹⁵

Thus, Kierkegaard argues, when it comes to the love commandment, pagans do not 'do the same' as Christians: for, while pagans had distinguished between erotic love and the love involved in friendship,

¹⁵ WL 9:23 (p. 19) and 9:25 (p. 21).

‘[p]aganism had never dreamed of this’, namely ‘self-denial’s love for the neighbour’: ‘no one in paganism loved the neighbour; no one suspected that he existed. Therefore what paganism called love, as distinguished from self-love, was preference. But if passionate preference is essentially another form of self-love, then one sees here again the truth in the saying of the venerable fathers: “that the virtues of paganism are glittering vices”’.¹⁶

Kierkegaard considers a possible response, however, which is that surely erotic love and love in friendship *also* involve self-denial, as one gives oneself over to the other in a way that can entail enormous self-sacrifice? Nonetheless, Kierkegaard insists, while both do indeed get beyond crude egoism, they still remain self-regarding, as in both love is given to the other out of admiration one feels for him or her, and thus the hope of gaining love from them in return:

[T]here must be admiration in the relationship of erotic love, and the stronger, more intense the admiration is, the better, says the poet. Well, now, to admire another person is certainly not self-love; but to be loved by the one and only admired one, would not this relation turn back in a selfish way into the *I* who loves – his other *I*? And so it is also with friendship. To admire another person is certainly not self-love, but to be the one and only friend of this one and only admired person – would not this relation turn back in an alarming way into the *I* from which we proceeded? Is not this plainly self-love’s danger – to have one single object for its admiration when this one and only admired person in turn makes one oneself the sole object of his erotic love or his friendship?¹⁷

To see the love commandment as about one’s beloved or friend, therefore, is still to fail to see the kind of ‘self-denial’ it involves: for while it may indeed be true that one can be asked to do a great deal by both, and more than one has any immediate desire or interest in doing, it is nonetheless the case (Kierkegaard thinks) that this care for the other in the end comes back to the care one has for oneself.

As a consequence of this self-denial, therefore, Kierkegaard thinks the ‘honest pagan’ is indeed correct to recognise the kind of difficulties that the love commandment poses for us, as we are required to go beyond all our natural feelings and inclinations. One might think, perhaps, that it will be easy to follow it, for its very exaltedness may seem to make it attractive to us: ‘Indeed, is there anything for which

¹⁶ WL 9:55–6 (p. 53).

¹⁷ WL 9:57 (pp. 54–5).

the human being as such, anything for which the natural man is more desirous than for the highest!'.¹⁸ If we think this way, Kierkegaard thinks, we are deceiving ourselves, where once again the honest pagan is nearer to the mark in facing up to the difficulties involved:

No, the essentially Christian is certainly the highest and the supremely highest, but, mark well, in such a way that to the natural man it is an offense ... So it is also with the commandment to love the neighbour. Only confess it, or if it is disturbing to you to have it put this way, well, I myself will confess that many times this has thrust me back and that I am yet very far from the delusion that I fulfil this commandment, which to flesh and blood is an offense and to wisdom foolishness.¹⁹

Kierkegaard therefore insists that the love commandment, properly understood, should seem shocking to people in what it asks of them; and if it does not cause 'offense' in this manner, then this is probably because they have watered it down.

One particularly problematic aspect of the commandment, in the way that it asks us to go against the grain of our natural dispositions and how our capacity for love generally operates, is the implication that in being required to love one's neighbour, one is also required to love one's enemy. Again, Kierkegaard accepts that asking this of us may well seem an 'offense' and 'foolishness' to 'flesh and blood'; for, perfectly understandably, '[p]eople think that it is impossible for a human being to love his enemy, because, alas, enemies are hardly able to stand the sight of one another'.²⁰ If we can see the enemy as our neighbour, Kierkegaard suggests, we might then find it in ourselves to love him; but at the same time, he allows, this underscores yet further how hard seeing others as our neighbours can be.

The commandment is also problematic in the way that it relates neighbour love to erotic love and the love of friendship.²¹ For, although it does not abolish the latter kinds of love, in so far as neighbour love excludes no one, and so encompasses within it love of the beloved or friend,²² it nonetheless puts this on a different kind of footing. What happens, Kierkegaard thinks, is that neighbour love is given a priority,

¹⁸ WL 9:60 (p. 58). ¹⁹ WL 9:60–1 (pp. 58–9). ²⁰ WL 9:69 (p. 68).

²¹ This aspect of Kierkegaard's position has been much discussed, and has been the focus of criticism. For a critical response, see Løgstrup 1997. For further discussion, see Ferreira 2001: 53–64 and Evans 2004: 203–15.

²² Cf. WL 9:64 (p. 63): 'Do not delude yourself into thinking that you could bargain, that by loving some people, relatives and friends, you would be loving the neighbour ... No,

so that (for example) 'your wife must first and foremost be to you your neighbour; that she is your wife is then a more precise specification of your particular relationship to each other'.²³ As Kierkegaard notes, '[t]o drives and inclination this is no doubt a strange, chilling inversion; yet it is Christianity and no more chilling than the spirit is in relation to the sensate or the sensate-psychical'.²⁴

Now, Kierkegaard recognises that by underlining the strenuousness of the love command in these ways, we may come to feel disheartened or fearful, since it may seem that we are being asked to do so much that we can only ever fall short.²⁵ It is just this, however, that makes the commandment a *religious* matter for Kierkegaard, a question of *faith*:

Do not cease to believe because the commandment almost offends you, because the discourse does not sound flattering like that of the poet, who with his songs insinuates himself into your happiness, but sounds repelling and terrifying, as if it would frighten you out of the beloved haunts of preferential love – do not for that reason cease to believe it. Bear in mind that just because the commandment and the discourse are like this, for that very reason the object can be the object of faith!²⁶

We can now turn to considering this last claim: for, it will be argued, it is precisely the difficulty of meeting the love commandment that gives it its religious significance, where the moral gap that Kierkegaard has opened up then makes room for God, and a divine command account of obligation.

Bridging the gap: the love commandment and God

In the chapter of *Works of Love* entitled 'Love is the Fulfilling of the Law', Kierkegaard declares that human beings have staged a 'mutiny'

love the beloved faithfully and tenderly, but let love for the neighbour be the sanctifying element in your union's covenant with God'.

²³ WL 9:135 (p. 141). ²⁴ WL 9:135 (p. 141).

²⁵ Cf. WL 9:128–9 (p. 134): 'Is there any more accurate expression of how infinitely far a person is from fulfilling the requirement than this, that the distance is so great that he actually cannot begin to calculate it, cannot total up the account! Not only is so much neglected every day, to say nothing of what guilt is incurred, but when some time has passed, one is not even able to state accurately the guilt as it once appeared to oneself, because time changes and mitigates one's judgment of the past – but, alas, no amount of time changes the requirement, eternity's requirement – that love is the fulfilling of the Law'.

²⁶ WL 9:64 (p. 62).

against God, by attempting to make ourselves into the source of the moral law and its obligations.²⁷ This mutiny is based on a determination to assert our freedom: 'The abominable era of bond service is past, and so there is the aim of going further – by means of the abomination of abolishing the person's bond service in relation to God'.²⁸

Yet this bond service is found to be a burdensome encumbrance and therefore there is a more or less open intent to depose God in order to install human beings – in the rights of humanity? No, that is not needed; God has already done that – in the rights of God. If God is dismissed, the place will indeed be vacant.²⁹

However, like Anscombe in our own time,³⁰ Kierkegaard holds that this attempt to replace God as the source of obligation with a more humanistic model can only lead to incoherence and confusion, so that '[a]s a reward for such presumption, all existence will in that way probably come closer and closer to being transformed into doubt or into a vortex'.³¹ As with Anscombe, a central difficulty raised by Kierkegaard concerns how any one of us, either individually or collectively, can have the kind of authority to impose law on ourselves or each other.

Against a Kantian model of self-legislation, Kierkegaard argues that it would then be 'left up to my arbitrary decision to assume one thing as the Law's requirement today and something else tomorrow',³² so that we end up with 'pure arbitrariness'.³³ Kierkegaard expands on this point further in a journal entry from around 1850:

Kant was of the opinion that man is his own law (autonomy) – that is, he binds himself under the law that he himself gave himself. Actually, in a profounder sense, this is how lawlessness or imaginary constructing is posited. This is not being rigorously earnest any more than Sancho Panza's self-administered blows to his own bottom were vigorous. It is impossible for me to be really any more rigorous in A than I am or wish to be in B. Constraint there must be if it is going to be in earnest. If I am bound by nothing higher than myself and I am to bind myself, where would I get the rigorousness as A, the binder, which I do not have as B, who is supposed to be bound, when A and B are the same self?...

²⁷ WL 9:113 (p. 117). Cf. also PC 12:84 (p. 88): 'Strangely enough, this deification of the established order is the perpetual revolt, the continual mutiny against God'. For helpful discussion of Kierkegaard's position here, see Evans 2004: 127–32.

²⁸ WL 9:112 (p. 115). ²⁹ WL 9:112 (p. 115).

³⁰ For further comparative discussion of Anscombe and Kierkegaard, see Cantrell 2009.

³¹ WL 9:112 (p. 115). ³² WL 9:112 (p. 115). ³³ WL 9:112 (p. 116).

The maxim which I give myself is not only not a law, but there is a law that is given me by one higher than myself, and not only that, but this lawgiver takes the liberty of taking a hand in the capacity of tutor and bringing constraint to bear.³⁴

Kierkegaard thus foreshadows Anscombe's later critique of the idea of self-legislation, that without 'superior power in the legislator', this does not amount to a genuine constraint.

At the same time, Kierkegaard is equally critical of social attempts to account for obligation, where again the problem is one of authority. Within a social order, there is no individual or group of individuals obviously fitted to take on the role of legislator, which is why the Kantian ends up legislating over *himself*.³⁵ An alternative, perhaps, might be a collective account, whereby the people as a whole impose the requirement on the individual: but how is any such group to be assembled, in order for its will to be determined and for this binding of the individual to take place? And how are disagreements within the group to be handled over what is to be required and what is not? If this is to be decided by some sort of vote, how large should it be?³⁶

As well as being unstable in these respects, Kierkegaard also thinks this kind of social model has problematic ethical implications. For, firstly, there is a sense in which each individual now relies on the rest to tell him where his moral requirements lie, instead of taking responsibility of determining this for himself: '[i]n this way all human life transforms itself into one big excuse'.³⁷ Secondly, the individual may feel on this account that they can never arrive at the point of being sure that the requirements being imposed upon them are the definitive set, as the determination of these requirements is caught up in a constant process of negotiation within society. At any particular moment in

³⁴ *JP* 10² A 396 *n.d.*, 1850 (I, §188, p. 77).

³⁵ Cf. *WL* 9:112 (p. 115): 'Since one person does not stand essentially higher than another, it is left entirely up to my arbitrary decision with whom I will affiliate in the determination of the highest unless I myself – even more arbitrarily, if possible – could be in a position to hit upon a new determination and as a recruiter win alliance for it'.

³⁶ Cf. *WL* 9:112 (p. 115): 'Or should the determination of what is the Law's requirement perhaps be an agreement among, a common decision by, all people, to which the individual then has to submit? Splendid – that is, if it is possible to find the place and fix a date for this assembling of all people (all the living, all of them? – but what about the dead?), and if it is possible, something that is equally impossible, for all of them to agree on one thing! Or is perhaps the agreement of a number of people, a certain number of votes, sufficient for the decision? How large a number is necessary?'

³⁷ *WL* 9:112 (p. 116).

time, therefore, the individual may well regard these requirements as arbitrary, compared with those that might be laid down at 'the end of history' – a clear dig at the Hegelian position.³⁸

These problems can be resolved, Kierkegaard argues, if we turn from the Kantian and Hegelian accounts to a divine command account, so that 'all of us, each one separately, receives our orders at one place, if I may put it this way, and then each one unconditionally obeys the same orders':³⁹

When this is the case, there is durability in existence, because God has a firm hold on it. There is no vortex, because each individual begins, not with 'the others' and therefore not with evasions or excuses, but begins with the God-relationship and therefore stands firm and thereby also stops, as far as he reaches, the dizziness that is the beginning of mutiny.⁴⁰

Concerned with our own autonomy, therefore, we may seek to offer something other than a divine command account of obligation; but, Kierkegaard argues, none of these alternatives can be considered stable, because in none of them is the figure of authority who is able to issue any such requirement.

Now, Kierkegaard maintains, as a consequence of the 'mutiny' that has increasingly taken hold within the modern world, the requirements of the moral law have been scaled back, with the result that the love commandment itself has been watered down accordingly. For, once a divine command ethic is abandoned, we lose notions such as divine assistance and forgiveness that go with it, which are needed to bridge the 'moral gap' and to make sense of that law in a strenuous form: for, it is only in so far as we think of that law as divinely commanded that we can then also apply these concepts of assistance and forgiveness to it, in a way that is needed if we are to see the love commandment in the right light.

³⁸ WL 9:113 (p. 116): 'If, now, this inhumanly protracted labour on the common agreement among all people is not finished in one evening but drags on from generation to generation, how the individual comes to begin will then become purely accidental: it will depend on when the individual joined the game, so to speak. Some would begin at the beginning but would die before they had come halfway; others would begin midway but would die without seeing the end, which no one actually would see, inasmuch as it would not come until all was finished, world history had ended, because only then would it be fully known what the Law's requirement is'.

³⁹ WL 9:114 (p. 117). ⁴⁰ WL 9:114 (p. 118).

Kierkegaard makes his position here clear in a journal entry from 1851, entitled 'The Christian Emphasis':

Christianly the emphasis does not fall so much upon to what extent or how far a person succeeds in meeting or fulfilling the requirement, if he actually is striving, as upon his getting an impression of the requirement in all its infinitude so that he rightly learns to be humbled and to rely upon grace.

To scale down the requirement in order to be able to fulfill it better (as if this were earnestness, that now it can all the more easily *appear* that one is earnest about fulfilling the requirement) – to this Christianity in its deepest essence is opposed.

No, infinite humiliation and grace, and then a striving born of gratitude – this is Christianity.⁴¹

Kierkegaard thus proposes a dilemma: We can either take the love commandment seriously, with the conception of neighbour love that it involves; but then we must see it as divinely commanded, as only this will enable us to bridge the moral gap with the conceptions of forgiveness and grace that make sense of the fact that it is demanded of us, even though we cannot really expect to abide by it. Or we can abandon a divine command theory, but then accept merely a watered-down version of the love command, as without this theological context, we can no longer appeal to the notions of forgiveness and grace that render the command intelligible in its strong form.

It might be said in response, that from a Kantian perspective this dilemma is not exhaustive, for Kant also allows a role for God as a judge within his ethics, but without endorsing a divine command theory in a Kierkegaardian fashion. However, I think that precisely for this reason, Kierkegaard would reject Kant's position as unstable, to the extent that (as we have seen) the ethical is made prior to the religious on Kant's account, so that precisely in doing so the ethical is *already* scaled back. The law that God is then called upon to uphold (as it were) is one that is first conceived without him, and thus cannot be a law that contains the love commandment within it, but is fitted to a *pre-religious* sensibility. Far from escaping the dilemma, therefore,

⁴¹ JP 10³ A 734 n.d. 20, 1851 (I, §993, pp. 433–4). Cf. also SLW6:443 (p. 476): 'The aesthetic sphere is the sphere of immediacy, the ethical the sphere of requirement (and this requirement is so infinite that the individual always goes bankrupt), the religious the sphere of fulfilment'.

from a Kierkegaardian perspective, Kantian ethics may instead appear simply to confirm its force.

Thus, for Kierkegaard, one of the fundamental effects of the 'mutiny' he has described is that now '[t]here actually is a conflict between what the world understands and what God understands by love',⁴² and thus between what the world understands by the love commandment and what genuine Christians understand by it. For the 'worldly', who trace obligations back to the human level, the command encompasses nothing much more than the kind of love based on our natural inclinations towards our nearest and dearest; but for the latter, who trace obligations back to God, it involves the much more demanding love of the 'other', for which we require divine support: 'And when eternity says, "You shall love", it is responsible for making sure that this can be done'.⁴³

We can therefore understand the *Works of Love* by seeing this as the issue which determines the architectonic of the book as a whole, as Bruce Kirmmse has rightly noted:

Works of Love is divided by SK into two books or 'sequences' [Følger] of discourses. The first book posits the notion of the Neighbor and of the Law's demand, and we are compelled to confront the radical absolute-ness of Christian ethics and our inability to live accordingly. We are led to the threshold of grace. The second book deals with one who has been granted the grace of God and who is active as 'the loving person' [den Kjerlige]. The two halves of *Works of Love* thus relate to one another as 'theory' (the Law) and 'practice' (the Gospel). The spark that connects them – and that carries one from the helplessness of legal obligation to the 'sheer activity' of loving – is grace.⁴⁴

Kierkegaard's concern with the 'moral gap', and how to bridge it, is thus the hinge on which his 'Christian discourse' turns.

Finally, once Kierkegaard has completed this double-movement, he is willing in the conclusion to introduce a perspective from which (in a Kantian manner) the love commandment is *no longer* a commandment, as it can be followed in its most demanding form, and yet without any sense of struggle – where this is the perspective of 'the Apostle John', who is able to say not that we *shall* love one another, but rather

⁴² WL 9:115 (p. 118).

⁴³ WL 9:44 (p. 41).

⁴⁴ Kirmmse 1990: 312.

'Beloved, *let us* love one another',⁴⁵ thereby dropping the strongly imperativ form. Kierkegaard comments on this as follows:

These words, which have apostolic authority, also have, if you consider them, an intermediate tone or an intermediate mood in connection with the contrasts in love itself. The basis of this is that they are by one who was perfected in love. You do not hear the rigorousness of duty in these words; the apostle does not say, 'You *shall* love one another'; but neither do you hear the vehemence of poet-passion and of inclination. There is something transfigured and beatific in these words, but there is also a sadness that is agitated over life and mitigated by the eternal. It is as if the apostle said: 'Dear me, what is all this that would hinder you in loving, what is all this that you can win by self-love! The commandment is that you *shall* love, but ah, if you will understand yourself and life, then it seems that it should not need to be commanded, because to love people is the only thing worth living for, and without this love you are not really living. Moreover, to love people is the only blessed comfort both here and in the next world; and to love people is the only true sign that you are a Christian' – truly, a profession of faith is not enough either.⁴⁶

If we could only see things aright, therefore, and properly understand ourselves, God and love itself, God's injunction to us would no longer need to be uttered as a command. This is not because John is telling us that love of the neighbour would then somehow matter less and so no longer be required – in that sense, Kierkegaard insists, the command is eternal and 'is not changed in the slightest way, least of all by an apostle'.⁴⁷ Rather, just as Kant's conception of the holy will opens up a perspective from which the moral demand no longer appears to the agent *as* a demand, so John's words indicate a similar relation to God, who would no longer have to *require* love of us; but this is a position we can hardly hope to reach, though it is the one from which the apostle himself speaks:

The change then can only be that the person who loves becomes more and more intimate with the commandment, becomes as one with the commandment, which he loves. This is why he [i.e. John] can speak so gently, so sadly, almost as if it had been forgotten that love is the commandment. If, however, you forget that it is the apostle of love who

⁴⁵ WL 9:355 (p. 375). See I John 4: 7.

⁴⁶ WL 9:355 (p. 375).

⁴⁷ WL 9:356 (p. 375).

is speaking, you misunderstand him, because such words are not the beginning of the discourse about love but are the completion. Therefore we do not dare to speak this way. That which is truth on the lips of the veteran and perfected apostle could in the mouth of a beginner very easily be a philandering by which he would leave the school of the commandment much too soon and escape the 'school-yoke'. We introduce the apostle speaking; we do not make his words our own but make ourselves into listeners: 'Beloved, let us love one another!'⁴⁸

⁴⁸ *WL* 9:356 (pp. 375–6). Cf. also *WL* 9:97 (p. 99), where Kierkegaard speaks of Christ as 'the downfall of the Law; because he was what it required. Its downfall, its end – for when the requirement is fulfilled, the requirement exists only in the fulfillment, but consequently it does not exist as requirement'; however, '[e]ven though the law is abolished [in Christ], it still stands here with its power and fixes an everlasting chasmic abyss between the God-man and every other person' (*WL* 9:99 (p. 101)). Jamie Ferreira has rightly stressed the Lutheran background to Kierkegaard's position here, and Luther's claim that 'if every man had faith we would need no more laws [for] everyone would of himself do good works all the time, as his faith shows him' (Ferreira 2001: 241–2).

CONCLUSION: FROM KANT TO KIERKEGAARD – AND BACK AGAIN?

In the foregoing discussion, I have traced the issue of moral obligation as it has run through the work of Kant, Hegel, and Kierkegaard, shaping their relation to each other. In doing so, I have argued, I have put forward a different picture of the development of moral philosophy during this period from the one offered by what in the Introduction I called the standard story, which begins from what turns out to be a misconceived version of Kant's argument from autonomy. I therefore hope to have offered a more convincing account of that argument, and also of the trajectory of moral philosophy from Kant onwards.

However, in following this journey, we have in fact been led round in a circle. For, as I presented it, Kant's argument from autonomy was not directed against moral realism as such, but rather against divine command accounts of obligation; but in arriving at Kierkegaard, I have also claimed, it is with a divine command account that we have ended up. The obvious question this raises, then, is whether one of the three positions that make up this circle is to be preferred over the others, or whether their respective merits and demerits put them on a par, locked in a perpetual dialectical struggle with one another without hope of resolution.

In order to ascertain whether this is indeed so, in conclusion I will look at the critical moves that took us from one theory to the next, and thus consider the following questions: how far should considerations of autonomy drive one from a divine command theory to a Kantian hybrid theory? How far should considerations of dualism drive one from a hybrid theory to a Hegelian social command theory? And how far should considerations of complacency drive one from a social command theory to a Kierkegaardian divine command theory? If we can form some assessment of the relative weight of these arguments of the

one theory against the others, we can ascertain where (if anywhere) we might be able to bring the dialectic to a conclusion.

As we shall now see, the issues raised by these debates are large and complex, and I cannot pretend to deal with them all here. Nonetheless, by thinking them through, we can see how these positions are finely balanced against each other; thus in the end, it may appear, all that is achieved is a kind of equipollence, making it hard to choose between the theories in a definitive manner, where none can claim to have resolved the problem of moral obligation without a significant cost.

The Kantian argument from autonomy and the Kierkegaardian divine command theory

While the argument most commonly used against divine command theories is the Euthyphro dilemma, the argument from autonomy has a claim to run a close second.¹ Moreover, as recent discussions of the Euthyphro dilemma have shown, the effectiveness of the latter is limited, as it only really bites against radical, fully voluntaristic versions of divine command theories, not classical 'intermediate' divine command theories, or more recent so-called 'modified' versions,² while the argument from autonomy applies to *all* such theories, and so is apparently of greater potency in this respect. For, the dilemma, as standardly posed, is: does God command an action because it is right, or is it right because God commands it? On the first horn, it looks as if this allows that the rightness of an action is independent of God's command, which is what the radical voluntarist denies, so that they seem forced to opt for the second horn. However, on the second horn, it looks like what is right becomes arbitrary, as arising out of the will of God that is itself then unconstrained by any prior values in a way that makes it hard to see how a will of this sort could constitute what is right for us to do. But once we move to an 'intermediate' or 'modified' divine command theory, this dilemma loses its force: such a theory can allow that what is right or good is independent of God's command, but holds instead that this only becomes *obligatory* as result

¹ There are, of course, a number of other significant objections to be made to divine command theories as well. For a helpful survey, see Wainwright 2005: 106–17. Wainwright discusses the Euthyphro Problem on pp. 73–83 and the argument from autonomy on pp. 117–22.

² 'Modified' divine command theory is particularly associated with the work of Robert Merrihew Adams: see Adams 1973 and 1979b.

of the command. A divine command theorist of this more moderate sort can therefore hold that God commands actions because they are right or because he is good, while still claiming to be a divine command theorist about what makes these right actions obligatory for us, as actions we now *must* do. The Euthyphro dilemma turns out to be limited in its application, in a way that the argument from autonomy is not.

Now, when it comes to Kierkegaard, I have suggested above that he was a divine command theorist of this moderate, 'intermediate', sort, whose God puts us under obligations but without operating outside any prior order of values or norms, even though that order may not be wholly within our grasp as finite beings. As a result, if this interpretation is correct, then (as we have just seen) the Euthyphro objection to Kierkegaard's position drops away; this then leaves the argument from autonomy as perhaps the primary difficulty it faces. We therefore need to consider how effective this argument is, and how theists have responded to it.³ In general, their response has been that divine command theory is compatible with autonomy in certain fundamental respects, while where it is not, their critics have exaggerated the significance and value of such autonomy.

Firstly, then, autonomy can be viewed as the capacity for deciding or thinking for oneself and not abdicating this responsibility to others: does a divine command theory take this away?⁴ When it comes to Kierkegaard, his position on this issue is complex. On the one hand, he clearly holds that individuals must determine for themselves whether to accept God's authority, and must take full responsibility for the outcome of that decision: this is partly why, of course, Abraham's action is a matter of 'fear and trembling'. Thus, as one commentator has put it, for Kierkegaard '[a]utonomy is positively insisted on in the sense that an agent must freely yield to God's sovereignty and assent to his command ... If anything, Kierkegaard emphasizes more

³ Perhaps the most influential recent response has been by Robert Merrihew Adams, who has then been followed by John Hare, Stephen Evans, and others. Adams deals with this issue in Adams 1979a; he develops the response further in Adams 1999: 270–6. For Hare, see especially Hare 2009: 266–9, while Evans briefly discusses the issue in relation to Kierkegaard in Evans 2004: 303–4. For a complementary but somewhat different approach to the problem, see Quinn 1978: 1–22.

⁴ Cf. Løgstrup 1997: 2: 'If a religious proclamation is not understandable in the sense that it answers to decisive features of our existence, then to accept it is tantamount to letting ourselves be coerced – whether by others or by ourselves – for faith without understanding is not faith but coercion'.

strongly than many defenders of moral autonomy the importance of independent acceptance as an implicate of faith'.⁵ Likewise, and again in a way that is illustrated by Abraham's 'trial', we are not expected to abandon all our moral criteria and conceptions in considering God's commands: indeed, it is the fact that such criteria and conceptions remain in play that makes Abraham's action such a remarkable one. It is a mistake to think, therefore, that in speaking of a teleological *suspension* of the ethical, Kierkegaard is suggesting that our ordinary moral thinking should simply be *given up* when faced by a divine command, and that the former counts for nothing when confronted by the latter; rather 'suspension' is here being used in a Hegelian sense of 'sublated' or '*aufgehoben*', not simply abandoned, as if we then hand all guidance in moral matters over to God in an arbitrary manner, any more than a soldier who follows the orders of a superior whom he trusts and respects. In these respects, therefore, autonomy may be said to be preserved within Kierkegaard's account.

On the other hand, on the analysis of Kierkegaard's position offered previously, there will be acknowledged *limits* to our capacity for critical reflection, in so far as the moral good is treated as transcendent and thus beyond our abilities to fathom, with the result that God can require us to do things that violate our criteria and mean that in such circumstances we must be willing to set them aside.⁶ It is debatable, however, how much this violates principles of autonomy.⁷ It seems that this certainly does not preclude us from taking a critical stance altogether, for we are still required, as autonomous agents, to weigh very carefully when admitting to this kind of ignorance, for fear that it becomes an excuse for the abdication of all responsibility for our decisions – where this then resembles cases where we accept the guidance of experts on some matter, whose knowledge goes beyond ours, but where we retain our autonomy by scrutinising carefully the credentials of those who we follow in this manner. Thus, while it may be true that according to Kierkegaard, Abraham 'must defer to a wisdom superior

⁵ Outka 1973: 234–5.

⁶ Cf. WL 9:24 (p. 20): 'But you shall love God in unconditional obedience, even if what he requires of you might seem to you to be your own harm, indeed, harmful to his cause; for God's wisdom is beyond all comparison with yours, and God's governance has no obligation of responsibility to your sagacity'.

⁷ Cf. again Løgstrup 1997: 2, where the passage just cited continues: 'However ... the understandability of a proclamation does not mean that it must concur with our own formulations or accommodate itself to the solutions we have ourselves imagined; it does not mean that we cannot take offense at it'.

to his own',⁸ it could be argued that nothing prevents this deference from being of a thinking and reflective kind, in a manner that is sufficient to preserve our autonomy. We have seen, then, how on this first conception of autonomy, a way can be found to largely accommodate it within a divine command account.

A second conception of autonomy is perhaps more problematic for the divine command account, however, and it is this conception that seems to play the central role in the actual Kantian argument that we considered in Chapter 2. The issue here has less to do with the autonomy we exercise in thinking for ourselves, and more to do with our *motivations*, and what leads us to act in moral matters. The worry is, as Robert Adams has put it, that 'perhaps the introduction of divine commands in ethics threatens to debase our motivation in well-doing',⁹ so that in Kant's terms, that 'well-doing' now becomes heteronomous rather than autonomous. To illustrate the problem, Adams introduces two examples: the Conscientiously Obedient Relief Worker, and the Autonomous Relief Worker. The former does good in relieving famine, but 'only because he has been instructed by his employers to do it, and believes unquestioningly that that morally obliges him to do it'.¹⁰ The latter, on the other hand, 'directs the food to the poor, not just because he has been instructed to do so, but primarily because he cares about the needs of the poor',¹¹ and therefore thinks this is the right thing for him to do. It may appear that this worker is more autonomous than the first, as he is acting in a way that is directed by what he takes to be the right course of action, rather than out of consideration for an authority which renders that action obligatory for him.

How does that consideration render the first worker's action heteronomous? One way, made central by Kant, is if this means that his action is based on fear of punishment or the hope of reward, or some other non-moral concern of this sort. And, of course, this could indeed be the sort of thing that is motivating the Conscientiously Obedient Relief Worker, where Kant might then plausibly say that his behaviour is no longer fully autonomous (even though, on a more Humean approach, this could also be denied, providing the desires on which

⁸ Outka 1973: 236.

⁹ Adams 1979a: 194/1987: 126. Cf. Adams 1999: 274–6.

¹⁰ Adams 1979a: 193/1987: 125.

¹¹ Adams 1979a: 193/1987: 125.

he is acting are ones that have been suitably 'endorsed' by the agent themselves). But, even allowing the Kantian to make this move, the divine command theorist could still reply that this does not *have to* be what is going on in the case of this worker: rather, his motivation might be that he feels a duty or obligation to help the hungry, where he thinks this duty or obligation is *grounded* in the fact his employers have instructed him to do it as legitimate authorities in this matter, but where he is no less acting from and motivated by duty than the second relief worker, for whom the obligation arises simply because he takes it to be right for him to act in this way.¹² It is not clear, therefore, that by introducing the command of God as the source of our obligations here, the divine command theorist has necessarily 'debased' the motivations of the agent involved, and so rendered them heteronomous in this Kantian sense. For many such theorists, it is the normative authority of God over us that makes his command obligatory, not his coercive power as such, where it is in acknowledging the former and not the latter that the motivations to obey his commands can arise (and where that normative authority may or may not be said to itself involve such coercive powers). It therefore appears mistaken to suggest that in obeying this authority, the motivations of the agent must be related to considerations of fear and favour, rather than respect for the authority and the obligations it lays down as such.¹³

¹² This sort of position is also suggested by an example discussed by Korsgaard, involving a student who takes a course because of the reasons that make it worthwhile, and another student who takes the course because they are required to do so by the academic department to which they belong. She argues that if the latter student is not acting out of fear or favour, but because they recognise the department as a legitimate authority in this case who can make the course obligatory, then in following the course they are no less autonomous than the first student. See Korsgaard 1996c: 25–7 and 105–7. Hare has used Korsgaard's position here to defend the compatibility of autonomy with divine command accounts: see e.g. Hare 2009: 268–9.

¹³ Cf. Korsgaard 1996c: 24–5, which emphasises this point in relation to Pufendorf and Hobbes: '[B]oth Pufendorf and Hobbes believed that no one could be a legislator without the power to impose sanctions to enforce his law. And it is frequently inferred that the point of those sanctions is to provide the subjects of the law with the motives to obey it. Actually, however, both of these philosophers thought that morally good action is action which proceeds from what we would now call the motive of duty. One does the right thing because it is the right thing, because it is the law, and for no other reason ... Why then are the sanctions needed? The answer is that they are necessary to establish the authority of the legislator'. Cf. also Darwall 2006: 108. Of course, though they defend the divine command theory in this respect, Korsgaard and Darwall are critical of it in other ways.

However, the Kantian might reply, it still remains an essential part of a theological ethics such as Kierkegaard's that one's concern is to do more than merely what one takes to be one's duty; one is also, qua religious believer, motivated by the thought that in following what is required, one is bringing one's behaviour into line with God's will, where this is taken to be a matter of supreme importance¹⁴ – indeed, if one didn't think this were the case in so acting, one would then lose much of one's motivation for doing so. And in this respect, it could also be said, the *divine* command theory differs problematically from a *social* command theory like Hegel's: for while the latter treats a socially imposed requirement as the source of obligatoriness, one's willingness to comply with the obligation will not ultimately rest on a desire to subordinate oneself to the 'social will' in this matter, and if it did, this would seem to compromise one's autonomy. Rather, one acknowledges that the social command makes the action into a duty, but one does it because it is recognised as such, not because in so doing one is conforming to the will of another. There is thus a difference between acknowledging that this will renders an action obligatory, and hence seeing this will as authoritative in this regard, and doing the action *because* one thereby does what that authority wills, where it is in *obedience* to that will that the fundamental value in so acting is seen to lie. The issue is, therefore, whether the theological case involves the compromising of autonomy in this manner.

In response to this worry, the strategy that some contemporary divine command theorists have adopted is to admit that while the agent here is not *just* acting autonomously, what we have instead is a case of *theonomy*, where the latter can nonetheless involve both autonomous action *and* a conformity to the will of another, so that autonomy is not really given up. The term theonomy is particularly associated with Paul Tillich,¹⁵ while the idea is developed in the following manner by Robert Adams:

¹⁴ Cf. Kant, *Relig* 6:103–5 (pp. 137–8). And cf. Swinburne 1974: 213: 'For a theist, a man's duty is to conform to the announced will of God'.

¹⁵ Cf. Tillich 1946: 80: 'The words "autonomy," "heteronomy," and "theonomy" answer the question as to *where* the "nomos" or law of life is rooted in three different ways: Autonomy asserts that man as the bearer of universal reason is the source and measure of culture and religion – that he is his own law. Heteronomy asserts that man, being unable to act according to universal reason, must be subjected to a law, strange and superior to him. Theonomy asserts that the superior law is, at the same time, the innermost law of man himself, rooted in the divine ground which is man's own ground: the law of life transcends man, although it is at the same time his own'.

Let us say that a person is *theonomous* to the extent that the following is true of him: He regards his moral principles as given him by God, and adheres to them partly out of love or loyalty to God, but he also prizes them for their own sakes, so that they are the principles that he *would* give himself if he were giving himself a moral law. The theonomous agent, in so far as he is right, acts morally because he loves God, but also because he loves what God loves. He has the motivational goods both of obedience and of autonomy.¹⁶

The claim is, then, that theonomy involves two aspects: acting out of concern for what is right or what one takes to be one's duty, but also out of concern for how this puts one in relation to God. Thus, if one holds that only the former characterises the autonomous moral agent, it could be said that the divine command model of moral agency does not do full justice to autonomy; but the claim is that it is quite possible to combine this with the latter, without any significant loss. In this case, the individual is indeed seeking to do what God asks of him, out of love, loyalty, respect, gratitude, or some such reason (rather than fear or hope of reward), and this is his motivation to act in accordance with the obligation that God has laid down; but at the same time, what God has ordered him to do is what he would himself choose to do were he to determine his action solely by himself, in such a way that his autonomy is therefore also preserved.¹⁷ Thus, the suggestion is that while one is here setting out to conform to God's will, there is still autonomy, because that will is directing you to do what is right and what you would will for yourself.

Now, of course, the Kantian might still argue that this combination is unstable, and that autonomy cannot be combined with obedience in this manner, in so far as obedience is guided by the desire to conform to the will of another, and so takes away a crucial element of

¹⁶ Adams 1979a: 194/1987: 126. Cf. also Hare 2001: 114–5. As Hare notes (p. 115, note 61), one might also think that '[a]utonomous submission to political authority ("fredonomy"?) has the same structure'. Cf. also Connell 1992. Not all writers on this issue treat theonomy and autonomy as compatible, however: cf. Westphal 1988: 2: '[Kierkegaard's] ethics is theonomous, and thus heteronomous'.

¹⁷ Cf. also Hare 2001: 115, where Hare associates this sort of picture with Scotus: '[T]here is nothing heteronomous about willing to obey a superior's prescription because the superior has prescribed it, in a discretionary way, as long as the final end is shared between us, and we have trust also about the route. The dichotomy which the usual version of the argument [from autonomy] relies upon is false. The dichotomy is: either our own wills entirely or entirely the will of another. What human moral life is actually like on the Scotist picture is a complex and rich mixture'.

self-direction that is required in order for the agent to be autonomous. Alternatively, however, the Kantian might say that any such combination is unstable as on a third conception of autonomy, this is incompatible with obedience of *any* kind, as it must involve *self* rule or *self* government, comprising only 'submission to laws that one has made oneself', so that '[t]he autonomous man, insofar as he is autonomous, is not subject to the will of another'.¹⁸ It is a concern with autonomy in *this* sense, as we have seen, that Kierkegaard credits with causing the 'mutiny' that has put man and not God into the position of moral legislator, of treating ourselves (either individually or collectively) as the source of our obligations and duties. We cannot think of ourselves as free, in this way, unless God has been displaced from his position of authority, and we have come to occupy his place.

Now, as theists will often allow, divine command theory is indeed incompatible with autonomy taken in this way; but they may also see that admission as causing no difficulty for them, because any such notion of autonomy as self-legislation can be rejected in a Kierkegaardian or Anscombian manner, as ultimately empty, wrong-headed, or incoherent.¹⁹ However, as we have seen, some of these criticisms may depend on the assumption that this sort of autonomy commits one to a self-legislation picture that goes 'all the way down', and so ends up in the same sort of vacuousness and arbitrariness that has also been associated with the equivalent theistic picture of a divine legislator operating in a valueless universe. I have argued above, however, that while some constructivists take Kant's talk of self-legislation in this extreme way, this is not in fact the correct approach; and I have also argued that once it is seen to be compatible with elements of moral realism, then

¹⁸ Wolff 1970: 14. Cf. Feinberg 1973: 161: 'I am autonomous if I rule me, and no one else rules I'.

¹⁹ Cf. Adams 1999: 271, where he characterises the Kantian sense of autonomy as being one with which divine command theory is not compatible: 'There are some moral theories – Kant's being the most famous example – in which the autonomy of the moral agent is treated as constituting the nature of the moral law. According to Kant, the moral law is essentially a law that we give ourselves, because it is constituted and shaped by the nature of practical reason, which is each agent's own practical reason although it is the same in all of us. This Kantian theory is an alternative to divine command theories of the nature of obligation, and is clearly inconsistent with them'. Adams himself refrains from criticising the Kantian position, but Hare and Evans do – with the complication that they do not think this position was *Kant's* because Hare reads Kant as a divine command theorist, as we have seen, and Hare has influenced Evans to give up the standard constructivist account. See Hare 2009: 176–83 and 264–6, and Evans 2004: 127–9.

the worry about the possible emptiness of this form of autonomy as self-legislation can perhaps be resolved – where what is morally good is said to be a duty or obligation for us as a result of the structure of our own wills, rather than through the willing of another being, and so is self-legislated in this sense. We also saw that by conceiving Kant's position in this 'hybrid' manner, other concerns raised by Anscombe or Kierkegaard can claim to be satisfactorily settled.²⁰ If the Kantian conception of autonomy as self-legislation can indeed be shown to be coherent in these ways, therefore, then the argument from autonomy does seem to tell against the latter, by showing (as the theist will generally admit) that his divine command theory treats *another* will as the source of obligatoriness, where it therefore cannot accommodate such autonomy at least to this degree.

However, of course, at this point, the theist could turn to a different critique of the Kantian position, namely the one offered by Hegel, to try to show that there are indeed problems with explaining in a Kantian manner how obligation can arise from the structure of the will, in a self-legislated and hence autonomous way; for, as we have seen, if the Kantian accounts for this using the hybrid theory with its associated contrast between the holy and the human will, then he may avoid the objections mentioned above, but instead face the difficulties raised against that theory by Hegel. In following through the debate between the divine command theorist and the Kantian, therefore, it is to the Hegelian critique of Kant that we must now turn.

The Hegelian argument from dualism and the Kantian hybrid theory

Just as divine command theorists have attempted to resist the force of Kant's argument from autonomy, so Kantians have challenged Hegelian claims that Kant's position must involve an insupportable dualism, between reason and desire, duty and inclination. For, as we have seen, Kant's account of obligation turns neither on a natural law theory nor a divine command theory, but instead on his account of the difference between the holy will and the human will: because we are subject to non-moral inclinations, what is good or right for us to do is presented to us in an imperatival and hence obligatory form as involving a moral 'must', whereas for the holy will who lacks any such

²⁰ See Chapter 4, pp. 103–4.

inclinations, this is not the case. Hegel's concern (inspired in part by Schiller) is that this account relies on a picture of us as 'fallen' and limited moral beings, who must always face inclinations that pull against the moral course of action, rather than what we desire being in line with what reason tells us is the right thing to do. Hegel therefore sets out to overcome the 'tension between reason and desire' that Kant takes to be 'central to our moral experience'.²¹

In response, however, it can be argued that while Kant does indeed rely on his distinction between the divine and human will to explain why obligatoriness is a feature of morality for us, nonetheless Hegel exaggerates the role that a tension of this sort is meant to play in that distinction, so that Kant's 'dualism' is in fact less extreme than the Hegelian critique implies. Instead, it could be claimed, all Kant needs and all he is appealing to is a weaker notion, namely the idea that non-moral action is always *possible* for us in a way that it is not for the holy will; this means that morality serves to constrain us to the extent that it prevents us from taking this option, but where this need not involve any great inner battle between the forces of duty and inclination, reason and desire. That this is the best way to understand Kant's position has been argued by Philip Stratton-Lake:

The moral law appears to us as an imperative because we do not necessarily will in accordance with it. It appears, therefore, as a *constraint* for a finite rational will. It is easy to take the notion of a constraint as implying that our natural inclinations are in some way essentially opposed to the requirements of the moral law. But Kant thinks that the moral law appears to us as necessitating, or constraining, not because our natural inclinations are intrinsically immoral, but because of the *contingency* of the connection between what we are inclined to do and what we ought to will. The notion of a constraint should not, therefore, be understood as presupposing a conception of inclination as essentially opposed to morality (a view that Hegel and Hegelians are fond of ascribing to Kant), but as expressing the fact that the moral law places a rational *limit* on the practical possibilities open to us in certain circumstances, and is recognised as such. The moral law does not appear to a perfectly rational being as a rational *constraint* because it does not limit the possibilities open to such a will. This is because such a being does not have possibilities open to it which can conflict with, and hence can be limited by, the moral law.²²

²¹ Schneewind 1992: 317/2010: 258.

²² Stratton-Lake 2000: 37–8. Cf. also Stratton-Lake 1996: 50.

On this sort of account, therefore, we can explain why Kant uses the language of constraint and necessitation, in so far as morality limits our options in a way that it does not for the holy will, but not in a way that introduces the sort of dualistic picture that so concerned Schiller, Hegel, and many others.

However, while this reading of Kant might make his position more palatable to some tastes, the textual evidence is against it. Stratton-Lake cites in his support the following sentence from *The Metaphysics of Morals*, which may indeed seem to make nothing more than the point he attributes to Kant, that morality constrains us merely to the extent of limiting the various options proposed to us by our inclinations: 'The very *concept of duty* is already the concept of a *necessitation* (constraint) of free choice through the law'. However, Kant immediately continues:

This constraint may be an *external constraint* or a *self-constraint*. The moral *imperative* makes this constraint known through the categorical nature of its pronouncement (the unconditional ought). Such constraint, therefore, does not apply to rational beings as such (there could also be *holy* ones) but rather to *human beings*, rational *natural* beings, who are unholy enough that pleasure can induce them to break the moral law, even though they recognize its authority; and even when they do obey the law, they do it *reluctantly* [*ungern*] (in the face of opposition from their inclinations), and it is in this that such *constraint* properly consists.²³

Kant seems unequivocal here in emphasising the element of struggle and consequent reluctance involved in obligation, and so exactly the element in his view that Schiller and Hegel found so problematic. And this is by no means an isolated passage, so that while he may have thought we can develop inclinations that lead us to act well and not just badly,²⁴ Kant also seems to have held that where we are conscious of a duty, we must invariably experience reluctance, resistance and a sense of hindrance – not just an awareness of the existence of possible

²³ *MM* 6:379 (p. 512). Cf. Allison 1990: 156: 'insofar as we act from duty we act on the basis of the recognition of a moral constraint and, therefore, not gladly'; and Allison 2001: 609: '[H]appiness must always insist on its "rights", which entails that there will always be "resistance" to the demands of morality when they infringe on them'.

²⁴ Cf. *Relig* 6:58 (p. 102): 'Considered in themselves natural inclinations are *good*, i.e. not reprehensible, and to want to extirpate them would not only be futile but harmful and blameworthy as well; we must rather only curb them'.

non-moral options, but also the thwarted desire to take them.²⁵ For Kant, it seems, the concept of duty only makes sense in this context.

Moreover, if we downplay these aspects of Kant's view, we also arguably lose much of the explanatory power of Kant's position, which is to account for the 'necessitating' character of morality, the way it appears to us to have a compelling or imperatival nature; a quality that has led many (as we have seen) to adopt divine command theories, but where Kant seems to rely instead on the 'clash' between the forces of reason and desire, duty and inclination, to account for this experience.²⁶ If, however, morality is just seen as depriving us of certain possibilities of non-moral action which are open to us but not to the holy will, then it is hard to see why this should appear to really constrain us in the way that Kant intends, unless the inclination to act non-morally is actually there, in which case the opposition between morality and our non-moral inclinations is brought back into the picture. After all, there are many courses of action that are possible to me, but where because I have no desire to do them, I will experience no sense of compulsion if those possibilities are then closed off. If we go too far in depriving Kant of his 'dualism', therefore, we run the risk of losing this aspect of his account, which is required if he is to do justice to what he is setting out to explain.²⁷

²⁵ See the passages referred to above, Chapter 3 note 49.

²⁶ Cf. Sidgwick 1981: 77 (my emphasis): 'Such cognitions [of the rightness and wrongness of conduct], again, I have called "dictates," or "imperatives"; because, in so far as they relate to conduct on which anyone is deliberating, they are accompanied by a certain impulse to do the acts recognised as right, *which is liable to conflict with other impulses*'. As Sidgwick makes clear on pp. 34–5 (to which he is referring back here), it is this conflict which he makes crucial to the commandingness of morality, and which he sees as distinctive to us as moral agents, much like Kant – where also much like Kant (I have argued) he treats this picture as compatible with a realism about what is right: 'In fact, this possible conflict of motives seems to be connoted by the term "dictate" or "imperative," which describes the relation of Reason to mere inclinations or non-rational impulses by comparing it to the relation between the will of a superior and the wills of his subordinates. This conflict seems also to be implied in the terms "ought," "duty," "moral obligation," as used in ordinary moral discourse: and hence these terms cannot be applied to the actions of rational beings to whom we cannot attribute impulses conflicting with reason. We may, however, say of such beings that their actions are "reasonable," or (in an absolute sense) "right."'

²⁷ Cf. Kant's response to Schiller in *Religion within the Boundaries of Mere Reason*, where Kant makes clear that he is unwilling 'to associate *gracefulness* with the *concept of duty* ... For the concept of duty includes unconditional necessitation, to which *gracefulness* stands in direct contradiction' (*Relig* 6:23 note (p. 72)). Baxley chooses to downplay the phenomenological aspect of Kant's position, though admits it is there: see e.g. Baxley 2010: 112. By connecting it to Kant's idealistic account of how the moral law

Nonetheless, it might be argued that Kant himself tones down this distinction, in so far as he points out to Schiller that, on his view, it is a mistake to see the virtuous person as acting joylessly or without cheer when she acts dutifully,²⁸ where it could then be said that in this case no actual conflict need be occurring in the dutiful moral agent, and that therefore Schiller and Hegel are mistaken if they think that this is so.²⁹ However, the fact that Kant expects and encourages us to get joy from acting out of duty, and not just feel fearful or miserable about it, does not show that he thought no non-moral inclinations are involved, for the joy we are expected to feel is precisely the pleasure we take in overcoming such temptations in a Herculean manner, where in cultivating the taste for such pleasures we are likely to be better at defeating them in the future. Thus, even where satisfaction is to be found in acting dutifully (as Kant undoubtedly thought it is), this is a satisfaction that involves the defeat of our non-moral inclinations, not the absence of them, where it is still their presence that explains the imperatival nature of that duty in the first place, in conforming to which one can then feel happiness and not despair.

However, even if it is accepted that it is important for an account of obligation to explain the imperatival force that morality has for us as a feature of our moral experience, it might be said that alternative and better ways of doing this can be found using other aspects of Kant's position, so that this way of drawing a distinction between the holy will and our own can be abandoned, and with it any reliance on the supposed dualism of the latter.

An alternative strategy of this sort has been put forward recently by Christine Korsgaard. On the one hand, she has little sympathy with attempts to downplay the role of necessitation as a psychological force in our moral lives³⁰ and to replace it with what she calls the 'Good Dog' picture of the virtuous agent, as someone 'whose desires and inclinations have been so perfectly trained that he always does what

appears to us as finite creatures, I hope to have shown how the phenomenological element is crucial to his approach.

²⁸ Cf. *Relig* 6:23 note (p. 72).

²⁹ See Baxley 2010: 103, 133, and 117, where she criticises Schiller for thinking that for Kant, 'the moral law takes the form of an imperative only insofar as a person actually has, or is tempted by, inclinations that run contrary to moral concerns'.

³⁰ Cf. Korsgaard 2009: 3: '[T]he normativity of obligation is, among other things, a psychological force. Let me give this phenomenon a name, borrowed from Immanuel Kant. Since normativity is a form of necessity, Kant calls its operation within us – its manifestation as a psychological force – *necessitation*'.

he ought to do spontaneously and with tail-wagging cheerfulness and enthusiasm'.³¹ On the other hand, she does not think necessitation can best be accounted for by adopting the opposite model of the 'Miserable Sinner', which treats human beings as 'in a state of eternal reform, who must repress [their] unruly desires in order to conform to the demands of duty'.³² Korsgaard claims that '[t]he opposition between the two pictures is shallow, for they share the basic intuition that the experience of necessitation is a sign that there is something wrong with the person who undergoes it', and thus they both 'denigrate the experience of necessitation'.³³ She also argues that both pictures fail to give an adequate account of how we are necessitated, or how it is we come to be bound to what is right or good.³⁴

Now, Korsgaard sees Kant's attempt to offer an account of necessitation which employs the contrast between us and the holy will as fitting into the flawed 'Miserable Sinner' model; and though she accepts that therefore Kant in part adopted this model, she thinks he was wrong to do so, for the reasons outlined above. As she puts her position: 'Kant himself seems to fall into this error in the *Groundwork*, when he suggests that necessitation is only experienced by an imperfectly rational will'.³⁵ But she thinks we can use different Kantian materials to develop a better and less shallow way of understanding necessitation, which traces the issue back to the struggle for self-constitution, and what is involved in that:

I believe that these theories [associated with the 'Good Dog' and 'Miserable Sinner' models] both underestimate and misplace the role of necessitation in our psychic lives. There is work and effort – a kind of struggle – involved in the moral life, and those who struggle successfully are the ones whom we call 'rational' or 'good'. But it is not the struggle *to be rational* or *to be good*. It is, instead, the ongoing struggle for integrity, the struggle for psychic unity, the struggle to be, in the face of psychic complexity, a single unified agent. Normative standards – as I am about to argue – are the principles by which we achieve the psychic unity that makes agency possible. The work of achieving psychic unity, the work that we experience as necessitation, is what I am going to call *self-constitution*.³⁶

³¹ Korsgaard 2009: 3 ³² Korsgaard 2009: 3

³³ Korsgaard 2009: 3–4. ³⁴ Cf. Korsgaard 2009: 4–7.

³⁵ Korsgaard 2009: 4 note 5; and cf. Korsgaard 1997: 240 note 52/2008: 52 note 39, where she states that 'the view that the will's imperfection is what makes us subject to an *ought* ... is a red herring here'.

³⁶ Korsgaard 2009: 7.

Korsgaard thus develops what she still thinks of as a Kantian account of necessitation, but one that makes no appeal to his conception of the holy will, and the contrast that conception allows Kant to draw with a finite will such as ours.

Now, it is not possible here to work through Korsgaard's position in any detail, as she offers a complex view that requires extensive consideration to do it justice. However, I think there is an obvious potential difficulty for it, which does not seem to afflict the Kantian position which she rejects as based around the 'struggle to be good'. For, that position locates duty and obligation as arising from the way in which the goodness and rightness present themselves to us, and thus as residing in the moral situation, so that it is what is right and good that obligate and necessitate; but, by contrast, the worry about Korsgaard's account is that it puts this necessitation in the wrong place (so to speak), where it is the struggle of the subject to unify itself that is responsible for this as a 'psychic force', where this would seem to lack any underlying connection to anything normative. Someone might well think, therefore, that if there is any degree of struggle in morality, and if this is to be used to explain its obligatory force, then this struggle should revolve around the good and the right, not on the difficulties faced by the self-constituting subject – and this is more readily available on the picture of Kant's position that Korsgaard rejects than on the one with which she replaces it.

It would seem, then, that responses to Hegel's concerns that attempt to 'soften' the dualism that he identifies, or to make it less central to the Kantian story, do not do justice either to Kant's own outlook, or to the explanatory force of his account. The question still remains, however, whether the Hegelian is right to find anything *objectionable* in this account. We must therefore consider whether the Kantian can respond adequately to what I take to be the Hegelian's two most fundamental concerns: firstly, that the account of duty which Kant offers results in a picture of our moral capacities that is both overly negative and demeaning; and secondly, that this account ends up compromising the very autonomy that Kant set out to champion and to make fundamental to his position. As we have seen, both challenges may be said to arise out of Schiller's response to Kant, and both are well put by him in a central passage from *On Grace and Dignity*, where he asks: 'Does mankind have to be accused and humiliated simply by the *imperative* form of the moral law, and does the most sublime document of its greatness also have to be a

certification of its frailty?’³⁷ and, ‘Just because the moral weakling would like to introduce a certain *laxity* into the law of reason, to make it a toy for his own convenience, does this mean that a *rigidity* has to set in, transforming the most powerful expression of moral freedom into merely an honourable kind of servitude?’³⁸

As we have discussed, when it comes to the first issue, a contrast is often drawn between Kant’s position and Aristotle’s, who is said to have had a more exalted view of our moral capacities, according to which virtue is both attainable by us and involves a harmony between inclination and correct ethical behaviour. This does not mean that the virtuous agent can give herself *over* to inclination, and abandon reason in determining what she will do: but (it is suggested) she can be in a position where her inclinations stand in no tension with reason, pulling her away from the moral course of action. This way of understanding Aristotle’s position has been presented as follows:

According to this account, Aristotle does not believe that if a person is acting out of virtue, there is any opposing motivational force that interferes or generates conflict. This idea has been put by saying that in the relevant sorts of cases there is no ‘internal friction’, as there is in someone who, out of ‘strength of will’ resists a desire that runs counter to what he has decided is best to do. If there is no such friction, however, then it seems that there should be no occasion for a person who acts out of virtue to command some part of himself to do what he has decided is best; and therefore there should be no occasion for imperatives.³⁹

It may seem, then, that we can straightforwardly turn to Aristotle if we no longer wish to find ourselves ‘accused and humiliated’ in a Kantian manner, by finding in his model of the virtuous person just the kind of harmonious and ‘frictionless’ moral life that Kant is only prepared to attribute to the holy will, and not us; and as we have seen, it is clear

³⁷ *GD* 20:286 (p. 151). ³⁸ *GD* 20:285 (p. 151).

³⁹ White 2002: 119. Cf. also pp. 224–5, where White provides a nice illustration of what he takes Aristotelian virtue to be like on the standard reading: ‘We could compare the good man to someone who, instead of being either gluttonous or completely uninterested in food, finds his appetite adjusted perfectly to his own correct judgements about what he rationally ought to eat. Thus, as he walks down the buffet table, he judges certain foods good for him and others not, and finds his appetite waxing and waning in glad unison with his judgements about nutrition’ (p. 225). White puts forward Urmson and McDowell as proponents of the ‘standard reading’, citing Urmson 1988, especially pp. 66–7, and McDowell 1979 and 1980.

that both Schiller and Hegel took themselves to be following Aristotle in making a move of just this sort.

There are, however, several ways in which the Kantian might respond to any such use of Aristotle's conception of virtue against them, some of which deny the contrast that is here drawn between their position and the one actually adopted by Aristotle,⁴⁰ and some of which accept the contrast but argue nonetheless that this tells in their favour.

A first way to deny the contrast might be to argue that even on Aristotle's conception of virtue, conflict of a Kantian kind is recognised to be present. Thus, as we have seen previously,⁴¹ when Aristotle comes to speak of courage, for example, he allows that the courageous person will still feel emotions and inclinations (such as fear or a desire to avoid injury) that in some sense are out of line with the course of action she sees to be right; Aristotle's position here may therefore be said to be little different from the Kantian picture, and also to be more plausible as an account of the virtue (for if a person did *not* feel such things and have these desires, would they not be showing the indifference to life more typical of the psychopath than the courageous individual?).⁴² So, when it comes to this kind of case, it could be said, the Aristotelian and Kantian accounts turn out to be broadly similar,

⁴⁰ Within the contemporary Kant literature, there has been an increasing desire to find a rapprochement between the two thinkers: for notable examples of this trend, see Korsgaard 1996b and Sherman 1997.

⁴¹ Chapter 4 pp. 122–3

⁴² Cf. Broadie 1994: 234: '[T]he virtuous person [would be] a repugnant person if being virtuous entails never desiring to do or have what it would be currently better not to. For whenever the right course of action requires one to give up some otherwise attractive option, the virtuous person must care not at all about giving it up. He must regard it as no loss; he must feel no tremor of regret at finding himself placed so as to be obliged to forgo that thing. Yet what if the case is one where, on moral grounds, he has to say No to some honour – and the honour is both significant and in this case richly deserved? Or if he has to incur a serious financial loss, one that perhaps affects others for whom he is responsible? Or he must leave the place where he has made his life, and say goodbye for ever to valued friends? On the picture suggested (and often suggested as Aristotle's), virtue is not only the opposite of admirable, but – especially for the good person – psychologically impossible! Not to mind or care about the things which are morally precluded indicates an agent who fails to value such goods as they should be valued. But how can it be consistent with virtue not to be alive to the value of what should be valued?' Cf. *NE*, Book III, §7, 1115b24–28, p. 1761, where Aristotle argues that the person who feels no fear when faced by danger is not brave but mad: 'Of those who go to excess he who exceeds in fearlessness has no name (we have said previously that many states have no names), but he would be a sort of madman or insensible person if he feared nothing, neither earthquakes or waves, as they say the Celts do not'.

where the latter is no more 'disparaging' of our capacities than the former, but where both are simply realistic portraits of how things stand for us.

However, it can be replied, a contrast between Aristotle and Kant still remains. For, in the first place, while this is perhaps not always completely clear, it appears that for Kant the contrary emotions and inclinations represent a greater temptation to us than they do for Aristotle's virtuous individual,⁴³ who may indeed *feel* those emotions and desires, but who still arguably gives them no real weight in her deliberations, so that her action is still 'frictionless' in this sense; and, as we discussed previously, while the attempt has been made to 'soften' the Kantian picture in this respect, there appear to be good exegetical and philosophical reasons not to do so. In the second place, while when it comes to a virtue like courage, the Aristotelian might be prepared to allow that such countervailing emotions and inclinations can co-exist with it, this seems less plausible in the case of other virtues, such as benevolence or charity. For, as Philippa Foot points out: 'charity is ... a virtue of attachment as well as action, and the sympathy that makes it easier to act with charity is part of the virtue'.⁴⁴ In this case, therefore, if one did not have a kindly disposition, but instead felt emotions and desires of a misanthropic sort, then one could scarcely be said to possess the virtue, where here there is a divergence from the case of courage. Likewise, it might be said, it is plausible to think of temperance as a case in which the individual feels no attraction towards those things that in the circumstances would constitute excess. Thus, even if the contrast between Kant and Aristotle may perhaps not apply to all the virtues, it arguably at least applies to some of them.

Nonetheless, it could be said, there is a second way of denying that any such contrast exists, which is to claim that just as Kant allows for the case of a holy will, but treats it as an ideal, so too Aristotle's virtuous individual is equally an ideal, where no less than Kant he thought

⁴³ Cf. *MM*6:383 (p. 515), where Kant characterises finite holy wills as beings who 'could never be tempted to violate duty'. Cf. also 6:396–7 (pp. 526–7). Given that in *Relig*, Kant portrays Jesus as having been subject to temptation (see 6:62 (p. 105) and 6:64 (p. 106)), this suggests that he was not a finite holy will – which may make it hard to know who Kant would have put into this category (angels, perhaps – or maybe certain saintly characters?). Alternatively, it could be said that Jesus still counts as a finite holy will, because although he was subject to temptations, he nonetheless had no propensity to succumb to them thanks to his innate purity of will (cf. Baxley 2003: 564 note 9 or 2010: 55 note 9) – where it is this *innate* goodness that distinguishes him from us.

⁴⁴ Foot 1978: 14. Cf. also pp. 11–12.

of us as falling short of it.⁴⁵ However, while it may be true that for Aristotle, most of us may be no more than continent most of the time, there is no reason to think he believed that it was unattainable in the manner of Kant's holy will, which belongs to a different order of being altogether.⁴⁶ In fact, had he held this, it would seem he would not have bothered to discuss virtue at all, as he puts aside discussion of 'super-human' virtue for just that reason, as an inappropriate topic for a book like the *Ethics*, which is supposed to be relevant to creatures like us. It would seem, then, that a contrast between Aristotle and Kant still remains.

Another way of dealing with the situation, however, might be to accept the contrast, but to claim that Kant's position is to be preferred. A first reason to prefer it might be that it simply provides a more accurate and plausible account of what moral life is like for us as the creatures we are. Or, secondly, it could be argued that if one looks deeply at *why* Kant sees a tension or 'friction' here, but Aristotle does not, then it will be seen that the grounds underlying Aristotle's more optimistic outlook are themselves questionable: namely, that he is committed to eudaimonism, or that he operated with a comparatively undemanding conception of what could be asked of a moral agent. We therefore need to consider each of these claims in turn.

The first Kantian response, then, might be that Kant's conception of how we are as moral agents is not in fact 'demeaning', but simply level-headed and insightful. Thus, much as we might like to think of ourselves as conforming to a more Aristotelian model, this is in fact not the case. That does not mean, on the one hand, that Aristotle has a completely rosy view of virtue as completely 'frictionless', for as we

⁴⁵ White raises this possibility, noting that 'It might even be the case that "the good man" is, in Aristotle's view, a sheer idealization which is never realized in any actual human being' (White 2002: 225). Cf. also McDowell 1978: 28/1998: 92: '[Aristotle's] view of virtue obviously involves a high degree of idealization; the best we usually encounter is to some degree tainted with continence. But in a view of what genuine virtue is, idealization is not something to be avoided or apologized for'. And cf. Grenberg 2005: 52–3.

⁴⁶ As Sarah Broadie has pointed out to me, the *Nicomachean Ethics* (especially) is addressed to the *politicos* or statesman running the city, and in the last chapter deals with the question of how to set up political institutions conducive to good moral education. This means that the concern with virtue is concern for what moral educators might reasonably hope to foster city-wide, and thus for what is broadly attainable. As some evidence that this was Aristotle's view, see *NE* Book 1, §8, 1099b18–20, p. 1737, where Aristotle says that happiness on his account is available to many because virtue, the main component, is acquirable by our efforts.

have seen in the case of courage and other examples, this is not the case; but on the other hand, while Kant's outlook still differs from Aristotle's (as we have seen), this still does not mean that Kant in his turn is committed to an excessively gloomy picture. For, while we have resisted readings that try to do away with the tension in our moral experience altogether, it could be said that this tension should still be understood in a relatively moderate way, that is arguably realistic rather than degrading.

Thus, for example, in a recent account of Kant's position,⁴⁷ Anne Margaret Baxley has claimed that it is a mistake to think that Kant's virtuous individual, whenever she comes to act, does so in the face of a genuine inclination to do otherwise. On the other hand, this does not mean that such inclinations are not 'in the background', but in such a way as to have been repressed so that at the time of acting they do not get in the way or represent any real temptation – where for the merely continent person they do. Baxley thus compares the situation to that of the recovered and the recovering alcoholic or food addict. For the recovered alcoholic, who has already gone through a maintenance programme to suppress her desires and to build up her resistance to them, while it is the case that she *can* be tempted, she is not *actually* tempted by a drink – though there is still enough 'friction' to explain the sense of necessitation involved when she turns down a whisky. On the other hand, she is different from the recovering alcoholic, who also turns down the offer of a dram, but who has to struggle against a real temptation to grab the drink when she does so. Similarly, therefore, one might think of the virtuous agent as undergoing a constant process of maintenance and control with respect to her inclinations, so that in that sense virtue for her is not entirely 'effortless' in the manner of a holy will, while still she differs from the continent person in not feeling genuinely tempted to act non-morally when the occasion arises, in part because her ongoing programme of maintenance has been successful. Thus, it could be said, while from an Aristotelian (or Schillerian, or Hegelian) perspective, Kant's virtuous person is still no more than continent, in fact Kant nonetheless has a virtue/continence distinction of his own that he can draw; and, it is one that both accounts for why even the virtuous person will feel the force of the moral 'must' and thus have an experience of duty, and is also more realistic as an

⁴⁷ Baxley 2010: 134.

account of what virtue in human beings actually involves, where the less strenuous Aristotelian model is still implausibly rosy.

Now, of course, it could still well be that the Hegelian will claim that this Kantian picture remains 'demeaning': for to compare the virtuous individual to the recovered alcoholic is still seemingly to put her in a rather bad light, and still to endorse the kind of 'autocratic' picture that Schiller deplored as an account of virtue. But Kant could claim that as a model for what virtue is for human beings, this is the best that can be hoped for, if we are to take seriously the fact of our 'fallen' natures, and the real possibility that our reason will be overcome – just as the recovered alcoholic must recognise the constant threat of a return to her addiction and the desires that go with it. Were this danger to be eradicated altogether, Kant holds, we would indeed have attained the status of holy wills, and so be beyond both duty *and* virtue. Thus, as Baxley puts it: 'Virtue, on this Kantian picture, should therefore not be mistaken for a fixed, settled moral disposition acquired by habituated feelings and desires (or any other feature of sensibility) towards right action [as it is on the Aristotelian conception]. It is rather a lifelong project requiring our sustained efforts in maintaining a moral way of thinking'.⁴⁸ In the end, therefore, while the Kantian outlook may show less faith in our nature as moral beings than the Aristotelian is inclined to feel, in a way that then underpins Kant's correspondingly more 'strenuous' picture of virtue, the Kantian can nonetheless respond by claiming that this lack of faith is (sadly) fully justified, and his conception of virtue is thus better informed than that of his critics.

Such claims about human nature are scarcely to be adjudicated here, however, and no doubt the suspicion concerning Kant will still remain, that he exaggerates the difficulties that stand in our way as moral beings – to use Baxley's analogy, it is more attractive to think of ourselves as well-adjusted drinkers who can handle alcohol with little further thought, rather than recovered alcoholics who must constantly be on guard unless we slip back into the abyss. For an Aristotelian process of moral education to have got merely to this point, therefore, is arguably for that process to have failed. And, the Hegelian will no doubt feel, Kant's picture is still closer to a model of continence rather

⁴⁸ Baxley 2010: 131–2; cf. also pp. 80–1. For another treatment that defends Kant's account as offering a realistic view of human nature and our capacities, see Grenberg 2005: 49–55.

than of genuine virtue, and still too closely tied to a Christian conception of the 'fall' and its associated notion of 'radical evil'.⁴⁹

It might be said, however, that this is also too bleak a view of the Kantian position, which is not (as in the case of the recovered addict) that misdirected desires and inclinations are always something that can happen to us, in the sense that they *will* happen unless we remain vigilant in controlling them; rather, that these desires and inclinations are merely logically or metaphysically possible for us, just because we are human and not divine – this makes us *capable* of having non-moral inclinations in a way that a holy will cannot, but not in a way that implies this is likely or a real threat to our behaviour.⁵⁰ It could then be argued that Kant's critics must concede this point, for surely even the very best of us, no matter how good we actually are and how unlikely it is that we will be tempted to act otherwise, may still *possibly* be so tempted, in this minimal sense. To think otherwise, it may be said, really is to confuse us with gods in an absurdly self-aggrandising and self-deluding manner.

Now, I think the response to this sort of view can have two aspects. At an interpretative level, it seems implausible to claim that Kant's position was as attenuated as this. For, in so far as Kant treats the self as a member not just of the 'intelligible world', but also the 'world of sense', he takes it that we are commonly and easily prone to 'impulses of sensibility' that lead us astray,⁵¹ and not merely that such impulses are logically or metaphysically possible for us – even if they can be

⁴⁹ Cf. Fackenheim 1954: 340, who notes that Schiller wrote to Körner characterising Kant's position on 'the propensity of the human heart to evil' as 'scandalous' [*empörend*] to his feelings (28th February 1793, 26:219; cf. also the letter to Bartholomäus Fischenich 20th March 1793, 26:235, and *GD* 20:286 note (p. 151)). As far as I know, Hegel does not explicitly discuss Kant's doctrine, though of course he does discuss the issue of evil, original sin, and related notions extensively, both in *PR* §139 7:260–65 (pp. 167–70), and in his various lectures cycles on religion. For a nuanced discussion of Hegel's position, see Dews 2008: 81–117.

⁵⁰ Cf. Baxley 2010: 112, my emphases: 'But, for Kant, the imperatival force of the moral law presupposes only the *possibility* of transgressing the moral law, not the existence of actual contrary-to-duty inclinations. Kant would therefore insist that moral norms take the form of imperatives even for Schiller's beautiful soul, simply in virtue of the fact that *it is possible* that she can violate duty (even if she never does and even if she is never tempted to act contrary to duty)'.

⁵¹ Cf. *GMM* 4:454–5 (p. 100–1). Cf. also *NF* 19:222–3 (p. 456): 'One must coerce oneself to prudent and morally good actions. Hence *imperativi*. The reason is that one's power of choice [*Willkür*] is also sensible, and the first movement stems from the sensible. The more one can coerce oneself through pragmatic coercion, the freer one is. This coercion nevertheless occurs *per stimulus*, but *indirecte*, namely one proceeds in accordance

controlled in the manner Baxley suggests. So, it looks as if Baxley's recovered alcoholic model is the best interpretation of Kant's position, which the Aristotelian and Hegelian can then reasonably challenge on the lines we have considered. And secondly, at a philosophical level, the issue is still whether the Kantian needs the clash between reason and desire or sensibility to be more genuine than this picture suggests: for why, if it is merely logically or metaphysically possible that I could have desires that go against the moral law, should that explain the sense of imperativ or necessitating force that belongs to it? Again, this contrasts with Baxley's picture of the recovered alcoholic, where real control and self-restraint is still going on in a way that can account for the necessitation involved; but this would be lost when the position is that desire is opposed to reason only in this very weak sense, as something that could (as a logical or metaphysical possibility) depart from it. So again, it is the position discussed previously that seems to be the one to be taken seriously, but which may then intelligibly be disputed by the Aristotelian or Hegelian critic.

However, we can now turn to a second type of Kantian response to his opponent, which is not just to question the applicability of the Aristotelian model to creatures like us, but to cast suspicion on the thinking that underpins it, where the first objection of this sort centres on Aristotle's eudaimonism, and the claim that he therefore sees little need for effort in being virtuous, as ultimately such virtue is in the interests of the agent herself. Now, Aristotle's eudaimonism is a complex and highly controversial issue, as is eudaimonism as such, and Kant's relation to it, where none of this can be dealt with fully here.⁵² In general, of course, it may certainly be plausible to claim that one powerful way in which to explain how our inclinations might fall into line with what is right to do, is if doing the latter will lead to our greater happiness or well-being. However, while Aristotle may indeed

with reflection. Moral coercion is external through the power of choice of another; and if we are free from this, inner coercion still remains'; and *CPvR* 5:84 (pp. 207–8): 'For, being a creature and thus always dependent with regard to what he requires for complete satisfaction with his condition, he can never be altogether free from desires and inclinations which, because they rest on physical causes, do not of themselves accord with the moral law, which has quite different sources; and consequently, with reference to those desires, it is always necessary for him to base the disposition of his maxims on moral necessitation, not on ready fidelity but as respect, which *demands* compliance with the law even though this is done reluctantly'.

⁵² For some further discussion, see Irwin 1996 and 2009: 124–46.

have thought there is some such connection between acting morally and living well, he does not seem to have been so crudely eudaimonistic as to think that it is only through seeing this connection that an individual will come to be virtuous. On the contrary, if the individual is brought to feel and desire rightly on these grounds, he is surely lacking in virtue.⁵³ Thus, it could be said, Aristotle believed that there was no inevitable tension between our desires and our moral actions, not because he took it that the moral agent would see the latter as satisfying the former in some egocentric or prudential form, but because he believed the kind of socialisation and habituation involved in moral education could take us beyond such egocentric or prudential concerns, thus alleviating the tension accordingly.

Finally, we can conclude this discussion of Aristotle's relation to Kant by considering a second critical diagnosis of Aristotle's position, which is to suggest that his outlook is more 'frictionless' than Kant's here, not because of his eudaimonism, but because his conception of our ethical requirements was rather modest.⁵⁴ Indeed, it is arguable that Aristotle is precisely the kind of 'honest pagan' that Kierkegaard had in mind, who he thought would be understandably outraged by the kind of extreme demand on us made by the love commandment (as Kierkegaard conceives it). However, how far this kind of critique of Aristotle (even if true) is effective in showing that Kant's position is to be preferred will be considered further in the next section, when we come to consider the comparable challenge to Hegel, so discussion of it can be postponed until then.

Before we come to that, however, I will close this section by considering the second objection to Kant's position that concerns the Hegelian, which is not just that it is 'humiliating', but also that it 'transforms the most profound expression of moral freedom into merely an

⁵³ John McDowell, in particular, has protested against seeing Aristotle's position as eudaimonist in this crude form: '[The] proper manifestation [of virtue] is renouncing, without struggle, something that in the abstract one would value highly (physical pleasure, security of life and limb). The lack of struggle is ensured by keeping the attention firmly fixed on what Aristotle calls "the noble"; not by a weighing of attractions that leads to the conclusion that on balance the virtuous course is more desirable' (McDowell 1978: 27/1998: 91–2).

⁵⁴ Cf. *LE* 29:604 (p. 229), where Kant notes that the ethical ideal of holiness is a specifically Christian innovation, unknown to the Greeks: 'In the Gospel we also find an ideal, namely that of holiness. It is the state of mind from which an evil desire never arises. God alone is holy and man can never become so, but the ideal is good ... The ancient philosophers never got to that point, though it has been said that they have enunciated all that is moral in the Bible'.

honourable kind of servitude', as Schiller put it. The concern here is that, on the Kantian model, while the individual is no longer bound by an external will, her reason nonetheless still plays a *constraining* role, thereby taking away her autonomy in a different but no less significant manner. Richard Rorty, for one, clearly shares this suspicion; he therefore treats Kant as a 'transitional figure', who 'substituted "Reason" for "God" as the name of a law giver', giving up divine commands but setting one part of ourselves over another instead – thus, Rorty thinks, Nietzsche was right to say that 'a bad smell of blood and the lash hangs over Kant's categorical imperative'.⁵⁵

An obvious response for the Kantian to make to this sort of objection is to argue that the conception of autonomy being employed here by their critic is misguided: whilst autonomy might require freedom from *external* constraint, there is no loss of autonomy when that constraint is *internal*, and thus when reason rules over the agent's inclinations. Indeed, it could be argued, it is precisely when the individual exercises authority over these inclinations that autonomy is realised, as then the individual shows herself to be in reflective control over herself in a way that fits perfectly with the etymological idea of autonomy as 'self-rule'.

Now, it is unlikely that the concept of autonomy is clear and unequivocal enough in its meaning to allow any appeal to conceptual analysis to settle this dispute.⁵⁶ For someone whose sensibility has been shaped by Kant, there may indeed appear to be no lack of autonomy in an individual whose reason is said to be in command in this manner. Or, it could be said, even if we do not have autonomy here, we nonetheless have what Kant called 'autocracy', which involves 'mastery over oneself',⁵⁷ and the '*capacity* to master one's

⁵⁵ Rorty 2004: 198/2007: 187. Rorty presumably has in mind the following passage from Nietzsche's *Genealogy of Morals*: 'It was in *this* sphere then, the sphere of legal obligations, that the conceptual world of "guilt", "conscience", "duty", "sacredness of duty" had its origin: its beginnings were, like the beginnings of everything great on earth, soaked in blood thoroughly and for a long time. And might one not add that, fundamentally, this world has never since lost a certain odor of blood and torture? (Not even in good old Kant: the categorical imperative smells of cruelty.)' (Nietzsche 1980 5:300/1969: 65, Essay 2, §6). Cf. also Schopenhauer 1962: §4, pp. 648–9/1965: 54–5: 'Now as theological ethics is essentially dictatorial, the philosophical has also appeared in the form of precept and moral obligation ... A commanding voice, whether coming from within or from without, cannot possibly be imagined except as threatening or promising'.

⁵⁶ For a discussion of its myriad forms, see Dworkin 1988 and O'Neill 2000.

⁵⁷ *LE* 27:362 (p. 139).

inclinations when they rebel against the law'.⁵⁸ However, from a more Hegelian perspective, it will appear that freedom cannot be properly realised until some greater degree of reconciliation has been recognised within the individual, and harmony achieved – only then am I 'with myself' and therefore free.⁵⁹ And, of course, Kant himself allows that it is more admirable if no such exercise of authority is needed, which is why the holy will is set above us as an ideal.⁶⁰ Whether or not we qualify as heteronomous in so far as we do not achieve this ideal, the more fundamental question in dispute, therefore, is whether Kant is right to treat such harmony as unattainable by us as human beings, or whether the Hegelian can justifiably claim that it is possible for us to be wills of this 'higher' sort, beyond the kind of dualism Kant seemed to think was inevitable for us.

Answering this question, however, will take us back again to Kierkegaard's critique of Hegel: for Kierkegaard's objection to the Hegelian is that there is a price to be paid for holding that there is no such dualism, namely that the moral demand is correspondingly reduced, to ensure that it does not go too much against the grain of our natural dispositions. And it should come as no surprise that the Kantian and Kierkegaardian can make common cause against the Hegelian on this issue. For, while I have argued above that Kant is not a divine command theorist, and so unlike Kierkegaard does not use the strenuousness of the moral law as an argument in favour of the latter position, commentators like Hare are nonetheless right that like Kierkegaard, there is a significant role for a 'moral gap' in his theory, which then allows him to introduce a belief in God on a practical basis, as making sense of how the problem of 'radical evil' might then be resolved through divine assistance.⁶¹ It is therefore no surprise that these Kierkegaardian considerations should enter into the dialectic

⁵⁸ *MM* 6:383 (p. 515). For further discussion of this notion of autocracy in Kant, see Baxley 2010 esp. pp. 50–84.

⁵⁹ Cf. *PR* §133Z, 7:251 (p. 161).

⁶⁰ In the *Metaphysics of Morals*, Kant quotes from Albrecht Haller's poem *Über den Ursprung des Übels* that 'Man with all his faults / Is better than a host of angels without', where he then notes that because of the kind of self-constraint that it involves '[v]irtue so shines as an ideal that it seems, by human standards, to eclipse holiness itself, which is never tempted to break the law'. However, Kant makes clear that he thinks it would be a mistake to value virtue over holiness in this way. See *MM* 6:396–7 (pp. 526–7); see also *Relig* 6:65 (p. 107) and *LR* 28:1077 (p. 411).

⁶¹ Cf. Hare 2002: Chapters 1–3. And cf. *Relig* 6:44–5 (p. 90). Hare argues that, when it comes to the problem of radical evil, Kant's own attempt to use divine assistance to bridge the gap fails, as it is in internal contradiction with his commitment to the 'Stoic

between the Kantian and Hegelian at this point, over whether it can be right to assume that no such gap exists, or whether to hold that it does not is to either artificially 'puff up' our moral capacities, or to complacently lower the moral demand. The debate between the Kantian and the Hegelian therefore pushes us on to the next position in the circle, which is the Kierkegaardian critique of Hegel's approach.

The Kierkegaardian argument from complacency and the Hegelian social command theory

The suspicion that Hegel's social and moral philosophy is somehow conservative and limited has of course hung over his *Rezeptionsgeschichte* since its very beginning. However, in recent years that suspicion has come to be increasingly challenged, as the progressive and critical aspects of Hegel's work have been rightly underlined.⁶² One familiar way in which to proceed with this kind of re-evaluation is to note that while Hegel was indeed concerned to avoid any empty utopianism, nonetheless his account of the social structures that he upholds does not pertain to just the *existing* state of his time, but to one that is fully 'rational' and developed, in a way that takes his work beyond an appeal merely to how things happen to be⁶³ – in Hegel's terminology, therefore, his focus is not simply on *existence*, but on *actuality*, which is the condition of things when they have properly realised their natures.⁶⁴

Now, in response to the Kierkegaardian concerns about Hegelian *Sittlichkeit* amounting to no more than an ethic of fulfilling one's socially determined duties, it seems perfectly possible to adopt a similar strategy, and to argue that it is only with a *rational* state that Hegel would expect Judge William's vision of ethical life to be realised, in which the duties falling to the individual are not expected to be too strenuous, as a good deal is taken care of through the state. Thus, it could be argued, Hegel only envisages this happening within the state when it is fully developed, where problems of poverty, alienation, lack of recognition, large-scale inequality, and so on have been resolved, so

maxim', 'that a person herself must make or have made herself into whatever, in a moral sense, whether good or evil, she is to become' (p. 60).

⁶² For a representative product of this reappraisal of Hegel's work, see Stewart 1996.

⁶³ Cf. the papers by Yovel 1975; Fackenheim 1969; Jackson 1987, all reprinted in Stewart 1996 – where this trope is now commonplace in the Hegel literature. For some further discussion, see Stern 2006.

⁶⁴ Cf. *EL* §6, 8:47–8 (pp. 28–30).

that we can indeed lead lives in which our individual duties no longer put a weighty burden on us – just as, in a system of well-organised taxation and social care, the need for us to come to the aid of others would in general not arise, as the individual is simply called upon to play their part within the whole. In a sense, therefore, no less than Kant or Kierkegaard, Hegel does not expect us to be able to live morally without assistance; but here, the assistance comes in the form of a social system which takes away the kinds of circumstances that place a heavy expectation on individuals, thereby ensuring that the actual demands made of us can in fact be met with relatively little difficulty, in ways that should fit comfortably enough with the dispositions of a properly brought-up moral individual – much like the demands of a well-regulated marriage, such as Judge William's.

However, the convincingness of this reply may then depend on how realistic one takes Hegel's conception of the rational state to be, which may in turn lead to a dilemma for the Hegelian position. For, if the Hegelian makes the state something that lies within our grasp relatively easily, then (from where we now stand), it seems unlikely that strenuous requirements for aid and assistance to others will go away. 'The poor', it might be said, 'are always with us', as are other forms of social injustice, need, and hardship, where the moral demands they set up look sufficiently difficult as to generate a tension between what moral action is called for and what our inclinations may be. On the other hand, the Hegelian could respond to this objection by insisting that within the rational state, all these difficulties can indeed be overcome. But then the danger is that this position will seem implausibly utopian, and open to just the sort of objections that Hegel himself directed against fanciful positions of this kind.

In order to avoid this dilemma, the Hegelian might choose to take a different approach: this is to challenge whether the Kierkegaardian is justified in claiming that anything as demanding as the love commandment really *is* a moral requirement on us. Kierkegaard, after all, expected many to be 'outraged' by it, and that the 'honest pagan' would reject it as absurd: who is to say that this is not the right reaction? As Simon Critchley notes, and as Kierkegaard fully recognised, one response to the love commandment is simply to dismiss it as over-inflated and fanciful, and not really part of morality at all:

This is a ridiculous demand! Just consider for a moment what Christ is saying to his audience: you might have heard the wisdom of Leviticus

that you should love your neighbour as yourself, but that is not enough, you should also love your enemies, you should love those who curse, despise, hate and willfully persecute you ... Christ's argument here is that if you love only those who love you in return, then you are not open to the more radical demand of the stranger, the foreigner, the adversary. If you love only your own brethren, the people of your tribe, nation or community, then you are no better than the publicans, the *publicani*, those docile servants of Gentile oppressors who dutifully do whatever the Romans ask of them. What Christ demands of his audience, which is – unless it might be forgotten – a Jewish audience, is that if they wish to be truly the children of their Father, God, then they must subject themselves to this exorbitant demand. That is, Christ is asking his audience to be perfect, god-like, 'even as your Father which is in heaven'.⁶⁵

Of course, Kierkegaard still might be right in saying that with the advent of Christianity, God was then able to play a role in our moral thinking that made such moral demands thinkable; but once Christianity has been rejected, is there not then reason to go back to the more 'pagan' perspective, and so to accept a correspondingly reduced conception of what morality requires? While, of course, there have always been and will continue to be those who stress the radical call that morality makes on us, there are also those who would reject this as mere rhetoric and bad-faith, insisting instead that, as James Griffin has put it, '[m]oral norms must be tailored to fit the human moral torso', where 'a norm that ignores the limited nature of human agents is not an "ideal" norm but no norm at all'.⁶⁶

However, this sort of response may just seem to reinforce the kind of complacency charge that Kierkegaard makes against Hegel: for, on this basis, might we not be forced to abandon such central moral notions as the love commandment, and the associated idea that we should love our enemy, on the grounds that these cannot reasonably be said to fit our capacities, as such 'tailoring' requires? In mitigation, perhaps, the Hegelian could remind his opponent that we are talking here about what is *obligatory*, not of what is good or right: it is still compatible with the Hegelian view that great moral goodness lies in these actions, where all that is being questioned (on this line of response) is

⁶⁵ Critchley 2007: 52. For further discussion of the love commandment in a biblical and theological context, see Goodman 2008.

⁶⁶ Griffin 1992: 131. Cf. also Griffin 1996: 105. As part of his argument, Griffin appeals to the principle of 'ought implies can'. I discuss whether he is right to do so in Stern 2004a.

whether it is intelligible to say that we are obliged to undertake them, or whether they are in fact supererogatory for creatures like us.

Moreover, it could be said, precisely because Hegel has a more optimistic and Aristotelian conception of how our dispositions can be moralised, and taken beyond merely narrowly prudential and egocentric concerns, there is no reason to think that this process of 'tailoring' will leave us with no norms of recognisable moral substance at all: even while wanting to go with the grain of our natures more than Kant, Hegel believes we nonetheless have moral capacities enough to make it the case that the normally virtuous individual will display concern for others in numerous ways, even if this might not satisfy the more exalted requirements of a Kierkegaardian. To the Kantian and the Kierkegaardian, perhaps, this may look suspiciously like 'puffing up' our moral capabilities in a dubious way, in order to avoid reducing the moral demand too far; but Hegel's counter-claim is precisely that the Kantian and Kierkegaardian conception of those capacities is excessively pessimistic, and perhaps too easily influenced by Christian preoccupations with our 'fall'.

In the end, though, the Hegelian will still probably agree that even if his greater optimism here is justified, and no mere empty 'puffing up', it remains the case that the love command, at least as interpreted by Kierkegaard, is still extremely demanding for us. So the dialectic will come back to the question whether Kierkegaard is right to accept such demands as part of morality, or whether in scaling them back, Hegel is either responding to the radical nature of ethics in a complacent and bourgeois manner which says it is all right to 'do what one can', or relying on a utopian ideal of the state that merely papers over the challenge that these commandments represent, and which in the end need to be made sense of in theistic terms if we are to do proper justice to them.⁶⁷

⁶⁷ Cf. *LPR*III: 53–4 (p. 118), where Hegel discusses the love commandment. On the one hand, taken as prescribing 'love of humankind in general', Hegel dismisses it as a 'lame abstraction', on the grounds that '[t]he human beings whom one can love are a few particular individuals. The heart that seeks to embrace the whole of humanity within itself indulges in a vain attempt to spread out its love until it becomes a mere pretense [*Vorstellung*], the very opposite of what love is'. On the other hand, Hegel takes Jesus to have been telling the apostles that they should work for the good of the community and thus for others in this sense: '[They are] to make only this unity, this community in and for itself their goal – not the liberation of humanity [as] a political goal – and [they are] to love one another for its sake'. To the Kierkegaardian, this may precisely look like scaling back the demand on the individual on the one

As well as this issue of complacency, moreover, there are other grounds on which the Kierkegaardian can question the sort of social command view with which Hegel replaces the Kantian hybrid theory. For, as we have seen, Kierkegaard objects that there can be morally objectionable results on a view of this sort; and worries of this sort have been amplified recently by other proponents of a divine command approach, such as Robert Adams and Stephen Evans. Adams, in particular, has argued that, on the one hand, societies have demanded behaviour of their citizens which we would not intuitively want to accept as morally obligatory (such as informing on fellow citizens in Nazi Germany, or going in for various ritualistic rites of passage), while on the other hand they have failed to demand behaviour that we nonetheless think is obligatory (such as treating others with fairness, or respecting their property). If we adopt the social command theory, therefore, the worry is that we will end up with counter-intuitive consequences of this kind – where no such problems are said to afflict a divine command account, on which God only commands what is morally good, and all such moral goods are commanded by him.⁶⁸

Now, Susan Wolf has responded to objections of this sort by Adams in ways that the Hegelian could also follow in replying to Kierkegaard. In response to the first worry, she has emphasised that even if social command is a necessary condition for obligation, it need not be a *sufficient* condition, where moral goodness may also be said to be required, thereby ruling out the worry that a morally bad action could be rendered into a duty. She admits, however, that the second worry is harder to resolve, and in the end she bites the bullet, allowing that on the social command theory, there may be societies (however rare, and however distant from ours), in which no such command exists and likewise no such obligation – though one

hand, while on the other relying on the community of which one is part to take on what needs to be done, in a way that is over-optimistic. Cf. also *LPR*III: 149 (p. 218), where Hegel also understands the commandment in terms of 'mutual love of the community', and 'not an impotent love of humanity in general'. See also *LPR*III: 284 (p. 367).

⁶⁸ Cf. Adams 1999: 247–8, and Evans 2004: 1–3, 16–17, and 129–32. However, even on the divine command account, there may still seem to be a related worry, which is that if God did not exist, and so did not make these commands, certain actions which we take to be morally required would no longer be obligatory. For some further discussion of this complex issue, see Wainwright 2005: 110–15.

can still say that what they did was morally bad, even if they had no duty not to do it:

If acceptance of a Social Command Theory of moral obligation prevents one from being entitled to say that the members of an extremely historically distant society violated their obligations when they acted in morally horrific ways, it does not prevent one from saying all sorts of other things in criticism of that society's practices. It does not prevent one, for example, from being entitled to say that the practices were morally abhorrent; that the victims of these practices were abominably treated; or, that to live in such a society would have been in certain respects very bad. Nor does it prevent one from being entitled to say that there is decisive moral reason to resist such practices – at least for us, but also possibly also for them.⁶⁹

As Wolf's reply grants, therefore, the social command theory does not have a direct response to the Kierkegaardian worry, but rather makes an attempt to defuse it. As a result, therefore, we can scarcely expect the Kierkegaardian to accept this reply, where he will again feel justified, as Adams and Evans do, in turning instead to a divine command approach, in an attempt to offer a conception of obligation that is less historicist and more universal.

Conclusion

We have seen, then, how Kierkegaard's critique of Hegel's position can be developed, and the difficulty the Hegelian will have in disposing of it entirely. However, we have also seen that the same is true of Kant's critique of the sort of divine command theory that Kierkegaard puts in its place, as well as Hegel's critique of Kant's own alternative, namely the hybrid theory. It therefore appears that we are faced with a dialectical circle of positions, each of which has advantages over the one it tries to supersede, but each of which has its drawbacks too. We have found, then, that it is hard for the deadlock between these three approaches to be broken. At the same time, however, we have seen how these three approaches can be used to criticise other alternatives, such as natural law theories. Equally, as we have also seen, there are grounds to reject the claim made by those who suggest that the concept of moral obligation should be simply abandoned, and

⁶⁹ Wolf 2009: 364.

who therefore attempt to turn their back on the issue. Thus, it would appear, as no solution can claim victory over its rivals and critics, the significant challenge of properly theorising and accounting for moral obligation remains as a problem that is still to be resolved – not only by the tradition of thought that we have been considering, but by us as well, as its inheritors.

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MODERN EUROPEAN PHILOSOPHY

In many histories of modern ethics, Kant is supposed to have ushered in an anti-realist or constructivist turn by holding that unless we ourselves 'author' or lay down moral norms and values for ourselves, our autonomy as agents will be threatened. In this book, Robert Stern challenges the cogency of this 'argument from autonomy', and claims that Kant never subscribed to it. Rather, it is not value realism but the apparent *obligatoriness* of morality that really poses a challenge to our autonomy: how can this be accounted for without taking away our freedom? The debate the book focuses on therefore concerns whether this obligatoriness should be located in ourselves (Kant), in others (Hegel) or in God (Kierkegaard). Stern traces the historical dialectic that drove the development of these respective theories, and clearly and sympathetically considers their merits and disadvantages; he concludes by arguing that the choice between them remains open.

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